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Synopsis of Statutes of General Application

ENACTED AT THE
FOURTH SESSION
OF THE
TENTH LEGISLATURE

February 20th to March 31st
1947

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— and —

Published by Order of the
Legislative Assembly of Alberta

EDMONTON:
A. Shnitka, King's Printer
1947

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HIS HONOUR JOHN C. BOWEN,
Lieutenant Governor

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SYNOPSIS OF STATUTES OF GENERAL APPLICATION

**Enacted at the Fourth Session of the
Tenth Legislature**

APPROPRIATION ACT, 1947

(Chapter 1)

This Act provides for the payment out of the General Revenue Fund of \$92,434.74 on account of expenditures for the fiscal year ending the 31st day of March, 1946, and for the payment out of the General Revenue Fund of \$2,424,106.88 on account of expenditures for the fiscal year ending the 31st day of March, 1947, and for the payment out of the General Revenue Fund of a sum not exceeding \$51,452,734.00 on account of expenditures of the public service for the fiscal year ending the 31st day of March, 1948.

This Act came into force on March 31, 1947.

TAX COLLECTION SUSPENSION ACT, 1947

(Chapter 2)

This Act authorizes the Lieutenant Governor in Council to negotiate and execute a tax agreement of five years with the Government of Canada. The Province will suspend, for the term of the agreement, the imposition of succession duties, personal income taxes and corporation taxes except under *The Corporation Income Tax Act* which was enacted as chapter 3 of 1947 and which imposes a five per cent tax on that portion of the income of corporations derived from operations in Alberta. This tax will be collected on behalf of the Province by officers of the Government of Canada.

Section 3, subsection (2), sets out the guaranteed minimum annual amount payable to the Province.

This Act came into force on March 31, 1947.

ALBERTA CORPORATION INCOME TAX ACT

(Chapter 3)

This Act has been passed as part of the arrangements being negotiated between

the Governments of Canada and Alberta with respect to the suspension of the levying of certain taxes by the Province, and was enacted at the request of the Dominion Government. Similar Acts have been or will be introduced in the Legislatures of all the Provinces which have completed or expect to complete tax agreements with the Dominion.

Part I defines "income"; Part II deals with exemptions and deductions; Part III has special provisions relating to chief business of the corporation, income from estates, etc.

Part IV contains the charging provisions and section 26 fixes the rate of tax at five per cent of that portion of the income of the corporation attributable to its operations in Alberta.

Part V deals with the payment of the tax, time of payment, etc.

Part VI deals with the procedure as to assessment.

Part VII deals with appeals and procedure, while Part VIII sets out the remedies of the Crown in enforcing payment of the tax.

Part IX deals with administration and places the administration of the Act with the Provincial Treasurer.

Part X deals with offences and penalties.

The Schedule sets out the method of determining the portion of the income of a corporation properly attributable to its operations in Alberta.

This Act comes into force on Proclamation.

CONSERVATION OF THE FORESTS ON THE EAST SLOPE OF THE ROCKY MOUNTAINS AND THE PROTECTION OF THE WATERSHEDS OF THE RIVERS THEREIN, AN ACT AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE GOVERNMENT OF THE PROVINCE OF ALBERTA AND THE GOVERNMENT OF THE DOMINION OF CANADA PROVIDING FOR THE

(Chapter 4)

The purpose of this Act is to authorize the Minister of Lands and Mines, with the approval of the Lieutenant Governor in Council, to execute an agreement with the Dominion Government providing joint

action between the Province and Dominion for the conservation of the forest on the east slope of the Rocky Mountains and for the protection of the watersheds. As this project is of importance to Saskatchewan and Manitoba as well as Alberta, the Dominion Government proposes to undertake the capital expenditure and part of the cost of maintenance, the Province undertaking part of the cost of maintenance and fire protection. The work is to be done by the Province under the supervision of a Board as set out in paragraph (e) of section 1 of the Act.

This Act came into force on March 31, 1947.

NATURAL RESOURCES TRANSFER SETTLEMENT ACT

(Chapter 5)

The purpose of this Act is to authorize the Lieutenant Governor in Council to accept the recommendation of the Royal Commission appointed to determine what, if any, consideration should be paid to Alberta over and above the amounts provided for in the Natural Resources Transfer Agreement.

This Act came into force on March 31, 1947.

PUBLIC SERVICE ACT, 1947

(Chapter 6)

This Act amends and consolidates *The Public Service Act*, being chapter 31 of the Revised Statutes of Alberta, 1942, and *The Public Service Efficiency Act*, being chapter 32 of the Revised Statutes of Alberta, 1942. The Act sets up a Civil Service Commission of three members and creates a new office of Director of Personnel.

Sections 2 to 7 are substantially the same as sections 2 to 5 and section 7 of *The Public Service Act*, and sections 2 and 3 of *The Public Service Efficiency Act*.

Sections 8 and 9 are the same as sections 8 and 9 of the present *Public Service Act*.

Section 10 is new and creates the office of Director of Personnel with authority

for the appointment of clerks and other assistants.

Section 11 sets out the duties of the said Director. Many of the duties set out in the section are at the present time duties imposed upon the Civil Service Commissioner by section 5 of *The Public Service Efficiency Act*.

Section 12 provides for the setting up of a three-member Civil Service Commission to be appointed by the Lieutenant Governor in Council, the Chairman and one other member to be nominated by the Executive Council and the other member to be nominated by the Provincial Executive of the Civil Service Association of Alberta.

The duties of the Civil Service Commission are set out in section 13 of the Act.

Section 15 of the Act deals with appointments to positions in Division 2 of the Public Service. Subsection (2) provides that when a vacancy occurs the Director of Personnel shall submit to the Deputy Minister of the Department concerned a list of persons in the order of their ranking, eligible and qualified for the class of position which is vacant, which is to be considered by the Deputy Minister in reporting to the Minister the applicant who, in his opinion, is best suited to the position. Subsection (3) of section 15 provides that when a temporary employee has served a year, whether in one or more periods, he shall automatically become a permanent employee unless before the year is up, the Minister makes a recommendation based on the written report of the Deputy Minister that the employment be not made permanent.

Section 17 deals with promotions which shall be for merit and made by the Lieutenant Governor in Council upon the recommendation of the Minister based on a written report of the Deputy Minister. It is provided in subsection (3) that, other things being equal, the persons with the greatest length of service shall be given preference for the promotion.

Section 18 of the Act deals with the authority of the Minister, or in his absence, the Deputy Minister, to suspend an employee. This section is similar to section 22 of *The Public Service Act* with the

addition of the following words: "unless the Lieutenant Governor in Council upon the report of the Civil Service Commission is of the opinion that such suspension was unjust or made in error, or that the punishment inflicted was too severe".

Sections 20 to 23 are the same as sections 12 to 15 of the present *Public Service Act*.

Section 24 is the same as section 16 of the same Act.

Section 25 is substantially the same as section 18 of the present *Public Service Act*.

Section 26 is the same as section 19 of the said Act with the words "without additional compensation" at the end of the section omitted.

Sections 27, 28 and 29 are the same as sections 20, 21 and 23 of the same Act.

Section 30 is similar to section 24 of *The Public Service Act* with one important change. The present section 24 authorizes leave of absence for any period not exceeding three weeks for each year of service. The new section 30 makes the period "not exceeding three weeks each year".

The Act is to come into force upon Proclamation.

PUBLIC SERVICE PENSION ACT

(Chapter 7)

This Act repeals *The Superannuation Act* and enacts new provisions relating to pensions for employees of the Government. Only the important changes will be referred to in this note.

Section 3 provides that the Act will be administered by a Board of three members, one of whom shall be a representative of the Civil Service Association. A Director of Personnel is to be appointed who will be secretary of the Board.

Section 5 provides that employees shall contribute five per cent of their salary to the Pension Fund. The contribution under the former Act was four per cent. Contributions are limited to a period of thirty-five years and cannot be made by persons becoming employees hereafter who are fifty years of age. Interest is at

three per cent or such other rate as may be fixed on the contributions of both the Government and the employee. Under the old Act the rate was five per cent.

Section 7 of the Act sets out what pensionable service shall include and it is provided generally that no service prior to an employee reaching the age of thirty years or after reaching sixty-five years shall be deemed to be pensionable service except that service in the armed forces during the second world war shall be deemed pensionable service if the employee contributes to the superannuation or the Pension Fund an amount equal to the Government's contribution under *The Civil Servants' War Service Act*. If he has not contributed, one-half of the time of his service will count.

Section 9 sets out how the amount of the pension is to be ascertained, namely, an annual amount equal to two per cent of the average annual salary during the last five years of service multiplied by the total number of years of his pensionable service, not exceeding thirty-five years.

Section 10 provides alternative pensions, one of which may be selected by the employee on retirement.

Section 14 provides that where an employee dies while an employee, his beneficiary, shall, in addition to receiving the amount to the employee's credit in the pension fund with interest, receive also the sum of fifteen hundred dollars and, if the beneficiary is the widow, a further sum equal to the amount by which the employee's account in the fund exceeds fifteen hundred dollars.

Section 23 provides for adjustment of accounts of employees of the Government who may be transferred to or from the Government service to the Alberta Government Telephones or other body having its own pension fund and *vice versa*.

Section 24 provides for permanent employees of the University other than members of the academic staff being under the Act. This section is substantially the same as a corresponding section of the former Superannuation Act.

Section 25 provides for the employees of various boards, etc., being brought under the Act by Order in Council.

Section 26 refers to certain employees who, during the war, were transferred or "lent" to the Dominion Government.

This Act came into force on April 1, 1947.

ALBERTA LABOUR ACT

(Chapter 8)

This Act amends and consolidates the following Acts:

The Hours of Work Act, chapter 279, R.S.A., 1942;

The Female Minimum Wage Act, chapter 283, R.S.A., 1942;

The Male Minimum Wage Act, chapter 282, R.S.A., 1942;

The Labour Welfare Act, chapter 5, Statutes of Alberta, 1942;

The Industrial Standards Act, chapter 312, R.S.A., 1942;

The Industrial Conciliation and Arbitration Act, chapter 280, R.S.A., 1942.

Only the important changes are dealt with. The Act applies to all employees except persons who are farm labourers or domestic servants in private houses.

There is a new definition of "hours of work" in section 2 (j).

Subsection (3) of section 8 of the Act provides that where the Board of Industrial Relations arbitrates a dispute as to arrears of wages, any compromise or settlement arranged shall be binding upon the employers and employees.

Section 11 provides that the working hours shall not exceed forty-eight in the "week of not more than six working days". In *The Hours of Work Act* formerly in force this reads "week of six working days". The change is intended to meet cases where there is a five-day week.

In section 13 (2) "a monthly report" replaces "a weekly report" to be made by employees of the days on which the limit of hours of work is exceeded in case of accidents, etc.

In section 15 (3) the words "or in relation to such longer work period as the Board may deem proper" have been added.

Section 16 (a) has been changed to make it clear that the Board of Industrial Relations may make the order provided for, namely, that the maximum hours of work of an employee shall be less than the maximum provided by section 11, either general or applying only to a specified part of the Province. In paragraph (c) of section 16, which authorizes the Board to prescribe as to the hours at which work shall begin, etc., the words "shall be confined within hours immediately following commencement of work" are new.

In section 24 (1) (a) the words "male or female, or both" are inserted because the two Acts now in force dealing with minimum wages, namely, *The Male Minimum Wage Act* and *The Female Minimum Wage Act* are now both incorporated into Part II of the Act. For the same reason the words "or sex" are included in section 24 (2) (a). Section 24 (6) is new and authorizes the Board to order that work done on a statutory holiday, as defined in the order, be treated as overtime.

In section 25 the words "unless the agreement is approved by the Board" are new. This gives the Board authority in a proper case to permit an agreement at a lower wage than the minimum.

In section 29 dealing with penalties the minimum penalty for a first offence is reduced from twenty-five dollars to ten dollars for each employee affected and a minimum penalty of twenty-five dollars for a subsequent offence is included.

In section 34 the words "or about the premises of" are new. This section prohibits the employment of children in or about the premises of a factory, etc.

Section 41 (1) requires employees to be paid within ten days of the expiration of each period of employment which shall be not greater than one month. The last line of subsection (1) is new and enables the Board to fix a maximum period at less than a month in any specified industry.

Section 43 deals with holidays with pay and is considerably enlarged from the corresponding provision contained in section 4 (2) (g) of *The Labour Welfare Act* which was limited to what is paragraph (a) of section 43 of the Act. Paragraphs

(b), (c) and (d) of this section are new. Paragraph (c) makes special provisions for persons whose employment is seasonal or intermittent and who do not qualify for holidays with pay under paragraphs (a) and (b). Paragraph (d) enables the Board to provide for cases where an employee leaves his employment without having received his annual holiday while clause (ii) of the same paragraph authorizes the Board in specified industries to require an employer to set aside at the end of each pay period an amount set out in the order as holiday credits which may be in cash or stamps if such a system is adopted which shall be available to the employee as provided in the order.

In section 45 in Part IV dealing with Industrial Standards, the definition of "officer" as being an Industrial Standards Officer is omitted as that office is being abolished and the duties formerly performed by such officers will in future be performed by inspectors appointed generally under the new Act.

In the proviso to section 49 the words "amended or" are new and authorize an application to amend an existing industrial standards schedule where formerly the application was limited to revocation.

Section 55 provides that the wage rates and hours of work prescribed in a schedule shall not be less or greater respectively than those provided in orders of the Board. This applies to all employees. In *The Industrial Standards Act* formerly in force this protection was limited to female employees.

Part V of the Act deals with industrial conciliation and arbitration.

"Collective agreement" is defined in section 57 (c) so as to make it clear that such agreement shall be in writing and signed by the parties to it. "Trade union" is defined in section 57 (i) as meaning any organization of employees, etc. In the Act formerly in force both "trade union" and "organization" were defined, but it is considered that the comprehensive definition of "trade union" in the Act does away with the necessity for the two definitions.

Section 59 deals with the procedure leading up to the certification of a bargaining agent and modifies to a consider-

able extent the provisions formerly in the Act. Subsection (4) defines the times when a bargaining agent, claiming to have been selected as such, may make an application to the Board to be certified, which are,—

- (a) at any time, if there is no collective agreement in force and no bargaining agent has even been certified;
- (b) where there is no collective agreement but a bargaining agent has been certified, after expiry of ten months from such certification;
- (c) where a collective agreement is in force after the expiry of ten months of the term of the agreement.

When the application is made the Board makes an inquiry and report upon the matters set out in paragraphs (a), (b) and (c) of subsection (5). Subsection (7) sets out the powers of the Board in determining the merits of the application including where expedient, the taking and supervision of a vote by ballot which vote may be taken on the premises of the employer who is required to place a suitable portion of the premises at the disposal of the Board for that purpose. Subsection (8) provides for the taking of the vote during different shifts, if the employees work in shifts. Subsection (9) provides for the Minister certifying the applicant as bargaining agent if the Board reports to him that it is satisfied of the matters set out in paragraphs (a), (b) and (c) of the subsection. Under the Act formerly in force provision was made for an appeal to the Minister by either an applicant or the employer from the decision of the Board, and the Minister was required to refer the matter to arbitration. These provisions are omitted from section 59 of the Act. Subsection (10) sets out what follows the certification of a bargaining agent,—

- (a) The bargaining agent shall replace any other bargaining agent and shall have exclusive authority to bargain for the employees;
- (b) The certification, if any, of the previous bargaining agent is revoked;
- (c) If at the time of certification a collective agreement is in force, the certified bargaining agent shall be

substituted as a party to the agreement in place of the previous bargaining agent and may on two months' notice terminate the agreement.

There are also some changes in section 60 from the provisions of the former Act. This section deals with the procedure leading up to the negotiation of a collective agreement. Subsection (2) requires three clear days' notice of a meeting to be held for the purpose of collective bargaining. In the former Act the notice required was forty-eight hours. Subsection (3) allows service by registered mail. Subsection (4) creates an offence additional to those now in the Act, namely, a refusal on the part of an employer to execute a collective agreement after the terms have been agreed upon. Subsection (10) provides that where the Board has intervened in an attempt to bring about a collective agreement or on the request of the Minister when a dispute exists or is apprehended and reports to the Minister that it has failed to effect an agreement, the Minister, if the Board so recommends, shall refer the matter to arbitration.

Section 61 of the Act provides by subsection (2) that every collective agreement shall contain a provision for final settlement without stoppage of work of all differences between the parties regarding its interpretation, application, operation or any alleged violation, while subsection (3) provides that where any agreement heretofore or hereafter entered into does not contain such a provision, either party to the agreement may apply to the Board to prescribe such a provision.

Section 63 prohibits an employer or employers' organization from interfering with the formation, etc., of a trade union or to contribute financial support to it beyond permitting an employee or trade union representative to confer with him during working hours, etc., without deduction of wages for the time occupied.

Section 65 is new and prohibits an employer from interfering with an employee in the exercise of any right conferred under Part V of the Act dealing with conciliation, etc.

Section 66 is new and prohibits an employee or person acting for a trade union

from using intimidation with a view to encouraging or discouraging membership or activity in a trade union.

Section 88 gives the Lieutenant Governor in Council authority to suspend the operation of Part V of the Act dealing with industrial disputes in so far as it refers to disputes in the coal mining industry and to authorize the application thereto of the Dominion Act relating to such matters.

This Act came into force on March 31, 1947.

IMPROVEMENT DISTRICTS ACT, 1947

(Chapter 9)

This Act amends and consolidates *The Improvement Districts Act*, being chapter 152 of the Revised Statutes of Alberta, 1942. The amendments made since 1942 have been incorporated in the Act and some further changes made. Only the more important of these are referred to in this note.

A new definition of "owner" is found in paragraph (o) of section 2 to include persons in legal possession of personal property, while a definition of "personal property" is included in paragraph (q) of the same section.

Section 12 of the Act dealing with the minimum tax for school purposes replaces section 13 of the Act formerly in force and introduces some changes. Subsection (1) provides that a minimum tax of four dollars for school purposes shall be paid by residents of a school district on the assessment roll. Subsection (2) provides a tax of the same amount for persons not on the roll who have resided in a school district for sixty days (formerly one month) and are gainfully employed. Subsection (3) provides that a person not assessed need only pay this tax once but that privilege is not given to assessed persons who may have paid the minimum tax and moved to another school district where they are not assessed. Subsection (4) deals with special cases where a person has built a house, etc., on land belonging to another. In such cases the improvements are assessed to the owner of land and the occupant is not assessed

and ordinarily would be liable to the tax payable under subsection (2). The new subsection (4) provides that where the occupant has reimbursed the owner of the land for the school taxes paid by him on the improvement he will not be liable to the tax imposed by subsection (2) if the payment amounts to four dollars. If it amounts to less the occupant is required to pay the improvement district the difference between the amount paid and four dollars.

Section 24 is new. Subsection (1) provides for the issue of a tax certificate and fixes a fee of twenty-five cents for same. Subsection (2) authorizes a fee of ten cents for a tax statement, all such fees to go into the general revenue of the improvement district.

Section 30 is new and makes taxes a first charge on moneys payable by an insurance company with respect to improvements or personal property on the parcel which have been destroyed by fire. The rights of a mortgagee of the land who has placed the insurance are protected, and subsections (2), (3) and (4) prescribe the procedure to be followed by the insurance company and by the Deputy Minister. Similar provisions have been in *The Town and Village Act* for some years.

Section 43 is also new and its purpose is to give the Minister authority, which the former Act did not give him, to make provision for certain services to hamlets, and provides for the proper allocation of the expense. Subsection (1) is similar to a provision in *The Municipal District Act*. Subsection (2) deals with the problem of street lighting and subsection (3) with scavenging. Additional levies are provided in each case upon the persons to be benefited by the services.

This Act came into force on March 31, 1947.

MINERAL TAXATION ACT, 1947

(Chapter 10)

This Act amends and consolidates *The Mineral Taxation Act*, 1945, and is for the most part in similar terms to that Act. Only the most important sections and changes will be mentioned here.

Section 3 requires every owner, without notice or demand between the first day of January and the first day of February, 1948, and each person who becomes an owner after the thirty-first day of January within thirty days of that date to deliver to the Deputy Minister a written statement setting out the legal description of all tracts with respect to which he is the owner of minerals, and the kind or kinds of minerals and what minerals are being produced or have been produced.

Section 4 provides for the payment before the thirty-first day of December in each year of a general tax on all minerals as fixed by the Lieutenant Governor in Council but not exceeding five cents per acre.

Section 7 deals with the designation by the Minister of areas in the Province as producing areas and with the designation also of the principal mineral or minerals in a producing area.

Section 8 authorizes the assessment of a tax on the principal mineral or minerals and only on such minerals in a producing area.

Section 9 (2) provides that the assessment shall be made before the first day of June in each year. Section 9 (4) authorizes the Minister to allocate to a producing well any specified area for the purpose of computing the value of the minerals in the manner prescribed in the Schedule. A new method of ascertaining the fair actual value of the minerals for the purpose of assessment is set out in the Schedule.

Section 1 of the Schedule deals with petroleum and fixes the value at one and one-half times the value of the average field price during the first three months of the year in which the assessment is made of all petroleum produced from the well during the preceding year.

Section 2 of the Schedule has similar provisions as to gas, fixing the value at four times the value at three cents per thousand cubic feet of the natural gas produced from the well during the preceding year.

Coal is dealt with in section 3 of the Schedule and is valued at an amount equal

to three times the value at ten cents per ton of all coal recovered from the tract in the preceding year. Provision is made, in the case of coal, for a reduction in the assessment under certain conditions.

Section 15 of the Act provides that, when the assessment roll has been revised and appeals disposed of, the Deputy Minister shall levy a tax at such rate on the dollar as the Lieutenant Governor in Council may from time to time direct upon the assessed value of all principal minerals in each producing area; the rates may vary as to different minerals. The change here is that the levy of the tax is limited to "principal minerals" designated as such by the Minister.

This Act came into force on March 31, 1947.

AUTOMOBILE ACCIDENT INDEMNITY ACT (Chapter 11)

This is a new Act, the main feature of which is the provision for an unsatisfied judgment fund established by section 7.

Section 4 provides that in all cases of accident in which a motor vehicle is involved, and in which personal injury or death or property damage exceeding twenty-five dollars results, the Minister shall suspend the license of the driver, that is his driver's license or chauffeur's license, as the case may be, except where the only damage resulting from the accident is to the person or property of the driver or where the driver produces proof of financial responsibility. The license, if suspended, remains suspended, subject to the above exceptions, until the driver or chauffeur complies with one of the conditions set out in subsection (4) of section 4, that is by giving security, proof of financial responsibility, etc. Subsection (5) provides for cases where after the lapse of a year no claim has been asserted against the driver.

The unsatisfied judgment fund established by section 7 is raised by an addition to the fee for registration of a motor vehicle of a sum to be fixed by the Lieutenant Governor in Council not exceeding one dollar. Any person who has recovered

judgment for damages in excess of one hundred dollars resulting from bodily injury caused by the operation or use of a motor vehicle, and is unable to collect it from the defendant, may apply to a judge of the Supreme Court for payment out of the fund. The procedure and necessary material are set out in section 8. The maximum amount payable out of the fund is five thousand dollars for injury to or death of one person and ten thousand dollars for two or more persons injured in one accident.

Section 9 provides a procedure for cases where a person is injured or killed by a "hit and run" driver where the name of the driver is not ascertainable.

Section 12 provides that where money has been paid out of the fund in payment of or on account of a judgment against a driver or chauffeur his license will not be reinstated until he has repaid to the fund that amount and given proof of financial responsibility.

Section 13 provides for the payment out of the fund of hospital expenses to persons injured in motor vehicle accidents unless they are covered by insurance which provides for payment of such hospital expenses. This does not apply where the person was solely to blame himself for the accident.

This Act came into force on April 1st, 1947.

TESTATORS FAMILY MAINTENANCE ACT

(Chapter 12)

The purpose of this Act is to replace and extend the provisions of *The Widows' Relief Act*, Chapter 304, R.S.A., 1942. The benefits conferred by that Act were limited to widows. Many cases of hardship arise where wills are made with no provision for children, often children who may be helpless, mentally or physically; also where a wife disinherits her husband. This Act extends the right to apply to the Court for relief to any dependant of a testator for whom adequate provision for proper maintenance and support has not been made in the will. Dependant is defined as meaning the wife or husband of the testator, a child of the

testator who at the time of the testator's death is under the age of nineteen years, and a child over that age who by reason of mental or physical disability is unable to earn a livelihood.

Section 3 of the Act protects a person and his or her children, who has gone through a form of marriage in the belief that a former spouse of the other party to the marriage is dead, the Court having made a declaration of presumption of death. Such a person or the children would be entitled to apply to the Court for relief under the Act.

Section 4 is the section giving a Supreme Court Judge jurisdiction to hear an application or applications on behalf of any of the dependants of a testator and to order, in his discretion, such provision as he deems adequate out of the estate of the testator for proper maintenance and support for any of the dependants. Subsection (2) and (3) indicate what evidence the Judge may consider in arriving at a decision.

Section 5 requires the Judge to take into account any benefits to which a widow is entitled under *The Dower Act*.

Section 6 provides terms and conditions which may be inserted in an order for maintenance and as to how the payments are to be made and secured.

Section 7 authorizes a judge to subsequently give directions for the purpose of giving effect to the order and to discharge, vary or suspend any order directing periodic payments to be made.

Section 8 authorizes a judge, where a payment is directed to be made by a legatee or devisee, to fix a periodic payment or lump sum in commutation to be made by the legatee or devisee and to relieve such portion of the estate from further liability.

Section 9 provides that unless the Judge otherwise determines, the incidence of a provision for support shall fall rateably upon the whole estate.

Section 10 makes invalid any mortgage, charge or assignment with respect to provision ordered under the Act, which is made before the order making such provision is duly entered.

Section 12 deals with contracts made by the testator *bona fide* and for valuable consideration to devise any property and which property is devised in accordance with the contract. It is provided that that property shall not be liable to an order under the Act except to the extent that its value exceeds the consideration received by the testator.

Section 13 is procedural and provides how an application may be made by persons who are infants or whose estate is in the hands of a committee appointed by the Court or designated by Statute. Subsection (4) provides that no costs of an application other than those of the executor shall be paid out of the estate where the net value as determined for succession duty purposes is less than five thousand dollars.

Section 14 relieves the guardian, the Official Guardian or other person representing an infant from the obligation of making an application on behalf of the infant if satisfied that the infant is receiving proper support, if at the time of the testator's death the spouses were living together and all children under nineteen or those over that age suffering from a mental or physical disability were living with or being supported by the spouses or either of them.

Section 15 limits the time within which an application may be made to six months from a grant of probate or administration of the will but gives a judge authority to hear an application after that date if he thinks it just, limited, however, to property of the estate remaining undistributed. This authority is given by subsection (2) and extends to cases where the testator died prior to the coming into force of the Act.

Section 16 sets out that notices of an application must be served on all persons interested in accordance with the Rules of Court.

Section 17 prohibits the executor from distributing any portion of the estate until the expiration of six months from the grant of probate unless all the dependants agree or a judge authorizes it and makes the executor violating this provision personally liable in certain cases

in the event of an order for support being made. An exception is made in the case of an executor making reasonable advances for maintenance to dependants named as beneficiaries in the will.

Subsection (1) of section 18 provides that where an application is made the executor shall not proceed with distribution of an estate but shall hold it subject to the provisions of any order that may be made. Subsections (2) and (3) make an executor personally liable for violation of subsection (1) in certain cases and expose him to prosecution and a heavy fine.

Sections 19 and 20 are procedural and section 21 provides for an appeal from any order made under the Act.

This Act came into force on March 21, 1947.

MAINTENANCE ORDERS (FACILITIES FOR ENFORCEMENT) ACT

(Chapter 13)

In 1920 there was passed by the Parliament of the United Kingdom *The Maintenance Orders (Facilities for Enforcement) Act* which provided for enforcement in England and Ireland (now limited to Northern Ireland) of Maintenance Orders made in any part of His Majesty's Dominions outside the United Kingdom to which the Act extended; the Act extends to all such parts where reciprocal arrangements have been made by the Legislature. Reciprocal legislation has been in force for some time in the Commonwealth of Australia, the Australian States, New Zealand, the Union of South Africa and Southern Rhodesia. The Commissioners on the Uniformity of Legislation adopted an Act in the form of this Act at its 1945 session and it has already been passed by the Legislatures of Manitoba, Saskatchewan and British Columbia.

The Act is entirely procedural and its effect is to make maintenance orders issued in England or Northern Ireland against residents of Alberta enforceable in Alberta, and on the other hand to make maintenance orders issued in Alberta against residents of England and North-

ern Ireland enforceable in those portions of the United Kingdom.

“Maintenance order” is defined as being an order, other than an order of affiliation, for the periodical payment of sums of money toward the maintenance of the wife or other dependants of the person against whom the order is made.

It is important to note that an order made in England or Northern Ireland cannot be enforced in Alberta except through an Alberta Court before which the defendant may appear and contest the validity of the order. Similar provisions apply to orders made in Alberta against residents of England or Northern Ireland.

Section 3 sets out the procedure for registering the order in the appropriate Alberta Court.

Sections 4 and 5 provide the procedure for obtaining a provisional order in an Alberta Court against a resident in England or Northern Ireland though the defendant be not present or have no notice of the application and sets out the subsequent procedure required to be followed to have the order enforced in England or Northern Ireland.

Section 6 sets out the procedure to be adopted in Alberta to enforce an order made in England or Northern Ireland against a resident of Alberta, which order is of no effect until confirmed by a Court in Alberta. By subsection (2) the defendant is given every opportunity to raise any defence he might have raised in the original proceeding. By subsection (4) he may ask the case to be remitted for further evidence to the Court which made the order. Subsection (6) provides that an appeal may be taken from the confirmation of the order.

Provision is made by section 12 for the extension of the benefits of this Act to any other part of His Majesty's Dominions in which, to the satisfaction of the Lieutenant Governor in Council, similar reciprocal provisions have been made for the enforcement within that part of maintenance orders made in Alberta.

This Act came into force on March 21, 1947.

DEFAMATION ACT

(Chapter 14).

This Act has been adopted by the Conference of Commissioners on Uniformity of Legislation and has already been enacted by the Legislature of Manitoba. The most important feature of the Act is that it makes the law as to libel and slander uniform and makes slander actionable in the same circumstances as libel.

At common law there is a marked difference in the right to bring a successful action for damages for libel and slander respectively. Thus a libel, being a false defamatory statement expressed or conveyed by written or printed words or in some permanent form is actionable without proof of special damage, while a slander, with certain exceptions, is not actionable without proof of special damage. Most of the provisions of this Act are the same or substantially the same as those contained in *The Libel and Slander Act* which is repealed by section 20 of this Act. There are new provisions dealing with radio broadcasting. "Broadcasting" is defined in paragraph (a) of section 2.

Section 3 places libel and slander, which together constitute defamation (section 2 (b)) in the same category and make both actionable without proof of damage, which is presumed.

Section 10 which was in the former Act and protects newspapers publishing a fair and accurate report of public meetings, proceedings in legislatures, and in various public bodies, unless malice is proved, is extended to similar reports made by broadcasting.

Section 11 deals with reports of public court proceedings and is substantially the same as the section formerly in force except that it also extends to broadcasting reports. This section makes absolutely privileged such reports if they contain no comment and if certain other conditions set out in subsection (1) are complied with. Subsection (2) is new and takes the above privilege away from a newspaper and a broadcasting station, etc., which fail to comply with a request for publication of a reasonable letter or statement of explanation or contradiction in the case of

a newspaper or to broadcast a similar explanation or contradiction on two occasions on different days in the case of a broadcasting station.

Section 13 provides that no action will lie against a newspaper or broadcasting station unless within three months after the publication of the defamatory matter has come to the notice of the plaintiff, he gives notice of his intention to bring an action. This limit of three months is changed from six weeks as it was in the section formerly in force.

Section 14 requires the action to be brought within six months after the publication has come to the notice of the plaintiff. This limit was three months in the section formerly in force.

Section 16 providing for an apology in mitigation of damages is extended by paragraph (b) to broadcasting stations. Subsection (2) of this section is new and allows a defendant to prove in mitigation of damages that the plaintiff has already brought action in respect of defamation of the same purport or effect.

Section 17 is in effect the same as section 8 of the Act formerly in force extending to broadcasting.

Section 18 in subsection (3) has special provisions requiring a broadcasting station to disclose the name and address of the owner and operator of the station, with the penalty for non-disclosure that the defendant will not be entitled to the benefit of sections 13, 14 and 17.

This Act came into force on March 31, 1947.

REAL ESTATE AGENTS' LICENSING ACT (Chapter 15)

This Act repeals two Acts, namely, *The Real Estate Agents' Licensing Act*, Chapter 318, Revised Statutes of Alberta, 1942, and *The Real Estate Commission Act*, Chapter 319, Revised Statutes of Alberta, 1942. The last mentioned Act is incorporated in the new Act together with many of the provisions of the former Act and a number of new provisions. Only important changes will be referred to here.

An important change made by the Act is that its provisions extend to the sale of a business, including stock in trade, etc., though no real estate may be involved in the transaction. The definition of "real estate" in section 2 (h) effects this.

Section 4 (2) provides that if a salesman terminates his employment with a licensed agent the salesman's license is automatically suspended until reinstated by the Superintendent.

Section 6 (2) requires three months' residence in the Province before making application for a license; the period was formerly one month.

Section 6 (3) authorizes the Superintendent to suspend or cancel a license if in his opinion it is in the public interest.

Section 6 (4) enables the Superintendent when considering applications for licenses or the suspension, reinstatement, etc., of licenses, to refer the matter to an Advisory Board consisting of the Superintendent or his appointee and two licensed agents.

Section 6 (6) provides that no person whose license has been cancelled shall be entitled to a new license for a year.

Section 6 (7) provides an appeal to the Minister from any decision of the Superintendent under section 6.

Section 7 requires every application for a license to be accompanied by a bond in an amount to be prescribed by the regulations.

Section 8 requires an applicant to state in the application an address for service in Alberta.

Section 11 provides exemption from the operation of the Act. The principal change is the omission of a person acting under a written power of attorney from the owner.

Sections 12, 13 and 14 contain provisions for the enforcement of the bond.

Sections 15 to 18 give the Superintendent and other officials wide powers of investigation into complaints against agents or salesmen and for such purpose power to examine their books and documents and to require their production.

Section 18 gives the person investigating authority to take evidence under oath, to procure attendance of witnesses, etc.

Section 19 (2) provides that no person shall be licensed as an agent except a person who, in the opinion of the Superintendent after investigation, is fully qualified at the time of his application.

Section 20 prescribes the books, records and bank accounts which must be kept by an agent.

Section 22 contains the provisions formerly contained in *The Real Estate Commission Act* repealed by this Act.

Section 23 prohibits an agent or salesman from making certain representations to induce a person to purchase property.

Section 25 requires disclosure of names of persons having at least ten per cent interest in a corporation or partnership.

Sections 26 and 27 prohibit payment of commissions to unlicensed persons.

Section 28 prohibits an agent or salesman from purchasing property listed with him without full disclosure to the owner of the property.

Section 29 prohibits a salesman from acting for any agent but his employer as shown on the records of the Superintendent.

Section 30 prohibits an agent or salesman from inducing breach of contract in order to procure a sale.

Section 31 requires commissions to be on an agreed amount or percentage basis and prohibits an agreement whereby the agent will be entitled to retain all the sale price over and above the listing price.

Section 32 (1) prohibits an exclusive listing unless an expiry date is provided therein.

Sections 33 to 38 deal with procedure and offences and penalties, and section 39 authorizes the making of regulations by the Lieutenant Governor in Council.

This Act is to come into force on June 30, 1947.

COMMUNAL PROPERTY ACT

(Chapter 16)

The purpose of this Act is to prohibit the extension of existing colonies of persons holding land as communal property as defined in section 2, such as the Hutterites, beyond their holdings on March 1st, 1944, the day upon which *The Land Sales Prohibition Act* came into force.

By section 4 each colony is required to forward to the Minister within one month a statement showing the holdings as of that date and any changes since.

Section 5 prohibits the extension of the colonies now established but provision is made for the substitution of land for any land of a colony taken for irrigation or other public purposes, and for the purchase of land held under lease on March 1st, 1944, and still so held.

Section 6 prohibits the establishment of a new colony or branch within forty miles of the lands of an existing colony and provides that sixty-four hundred acres shall be the maximum holdings of such a colony.

Section 7 prohibits the sale of land to an established colony or a new colony which would result in a breach of section 5 or section 6.

Section 8 provides that before land is sold to a colony it must be first offered for sale under *The Veterans' Land Act*, 1942.

Section 9 provides the procedure to be followed by a colony desiring to purchase land or an owner wishing to sell. The application is to be made to the Director of Assessments in the Municipal Department, and an appeal is given to a judge of the District Court in case the applicant is dissatisfied with the finding of the Director.

This Act comes into force on May 1, 1947.

BLIND PERSONS WHITE CANE ACT

(Chapter 17)

This Act is a new Act, the purpose of which is to prevent persons other than "blind persons" as defined in the Act from using in public places "white canes" as de-

fined in the Act. Section 4 imposes a penalty for violation of the Act.

This Act came into force on March 21, 1947.

NURSING AIDES ACT

(Chapter 18)

The purpose of this Act is to provide for the training and licensing of nursing aides.

A nursing aide is defined as a person who, being neither a registered nurse nor a person in training to be a registered nurse at an approved school of nursing, undertakes the care of patients for remuneration.

An Advisory Council is provided for in section 4 consisting of two officers of the Department of Public Health, the Medical Inspector of Hospitals and the Superintendent of the Public Health Nursing Branch, and four representatives appointed by the organizations specified in the section.

Sections 5 and 6 prescribe the duties and powers of the Advisory Council, those contained in section 5 being subject to the approval of the Lieutenant Governor in Council.

Section 7 provides for the appointment of a Registrar-Consultant and other officers and section 8 sets out the duties of the Registrar-Consultant.

Section 9 deals with the establishment of schools of training, etc., for nursing aides and authorizes the Minister of Health, with the approval of the Lieutenant Governor in Council, to make arrangements for establishment of one or more central schools and the appointment of teachers, etc., also to arrange with hospitals for the training of nursing aides.

Section 10 authorizes the making of regulations by the Minister, with the approval of the Lieutenant Governor in Council.

Section 12 enables a nursing aide to collect through the Courts for services rendered.

This Act came into force on March 21, 1947.

AGROLOGISTS ACT

(Chapter 19)

This Act constitutes The Alberta Institute of Agrologists and creates it a body corporate. "Practising agrology" is defined in paragraph (f) of section 2. The governing body of the Institute is the council provided for in section 4. The first council is to consist of the persons named in section 3 and subsequent members of the council are to be elected in accordance with the by-laws.

Section 11 provides for the holding of meetings of the Institute and of the council, and sections 12 to 16 prescribe the procedure, etc., at meetings.

Sections 17 and 18 set out the general powers of the Institute including the passing of by-laws for the management of the Institute and the conduct of its business.

Section 19 enumerates the persons who are eligible for membership in the Institute. These briefly are,—

- (a) graduates of at least three years standing in agriculture and practising or qualified to practise agrology when this Act comes into force;
- (b) graduates of three years standing of a faculty other than agriculture and possessing the necessary qualifications (section 21);
- (c) qualified members of a similar professional agricultural body; and
- (d) any resident of Alberta who applies within twelve months after the coming into force of this Act and possesses the necessary qualifications (section 21).

Section 20 provides for a graduate in agriculture registering as an agrologist in training.

Section 21 provides for the admission as a member of the Institute of graduates in agriculture who practised for three years under an agrologist and pass the required examinations unless it is dispensed with.

Sections 23 and 24 deal with examinations and registrations.

Section 29 deals with the discipline of members for breach of the Act or by-laws

or the rules of professional ethics and outlines the procedure to be followed where a complaint is made against a member, and provides in proper cases for reinstatement of members expelled or suspended.

Section 30 gives a member suspended or expelled a right of appeal to a judge of the Supreme Court.

Section 32 declares certain conduct offences and prescribes penalties not exceeding one hundred dollars for a first offence and two hundred dollars for subsequent offences.

This Act came into force on March 31, 1947.

ALBERTA REGISTERED MUSIC TEACHERS' ASSOCIATION ACT

(Chapter 20)

The purpose of this Act is to incorporate the members of the existing Alberta Music Teachers' Association.

Section 3 authorizes the Association to acquire, hold and dispose of property and provides that all fees and penalties recovered under this Act shall be the property of the Association.

Section 4 authorizes the Association to pass by-laws governing the operation and internal management of the affairs of the Association.

Sections 5, 6, 7 and 8 deal with the constitution and powers of the Council. Section 8 authorizes the Council to make by-laws with regard to the various matters set out in the section, including the registration of members, the fees chargeable to members, and the discipline of members.

Section 9 deals with the appointment of officers.

Section 10 deals with the qualification of members, the original members to be the members in good standing of the existing Association and affiliated local associations. Subsection (2) of this section sets out the qualifications necessary for persons subsequently applying for membership.

Section 11 provides that all examinations, tests, etc., shall be conducted by examiners appointed by the University.

Section 12 authorizes members to use the designation "Registered Music Teacher" or "R.M.T." and prohibits non-registered persons from using the designation and from representing that he or she is registered.

Section 13 continues in office the members of the present Association until the first general meeting of the incorporated association, and continues the by-laws in force until amended or repealed under the authority of this Act.

This Act is substantially the same as Acts now in force in Saskatchewan and Ontario.

This Act came into force on March 31, 1947.

UNIVERSITY OF ALBERTA FOUNDATION ACT

(Chapter 21)

This Act creates a corporation distinct from the University whose objects are set out in detail in section 6. The Foundation is to be governed by trustees (section 4) who shall be the President of the University, the Chairman of the Board of Governors and the President of the Alumni Association, together with such persons as may be appointed or elected as provided in the Act (section 5).

Section 7 provides as follows: The *ex officio* trustees at their first meeting shall appoint not less than three nor more than seven additional trustees. After the first term of office has expired all trustees other than the *ex officio* trustees shall be elected by a majority vote of the trustees present at a duly called meeting. After an elected trustee has served six consecutive years he shall not be eligible until after the expiration of a year. A majority of the trustees other than the *ex officio* trustees must reside in Alberta.

Section 9 empowers the trustees to make by-laws, etc., for the purpose set out in the section.

Section 10 provides for the delegation of powers of the trustees to committees consisting of trustees and other persons.

Section 12 provides that the Governors of the University shall pay the reasonable expenses of the Foundation.

Section 13 provides that no action shall be brought against the trustees or any of them without the consent of the Attorney General.

Section 14 exempts the property of the Foundation from taxation.

This Act came into force on March 31, 1947.

BANFF FOUNDATION ACT

(Chapter 22)

This Act creates a corporation distinct from the University whose objects are set out in detail in section 6. The Foundation is to be governed by Trustees (section 4), who shall be the President of the University, the Chairman of the Board of Governors and the Chancellor of the University, together with such persons as may be appointed or elected as provided in the Act (section 5).

Section 7 provides as follows: The Trustees for the time being (at first only the *ex officio* trustees) shall from time to time appoint additional trustees until six are appointed. These hold office for a term of three years and shall be eligible for another such term but after that will not be eligible until after the expiration of a year. After the first term of office has expired all trustees, other than the *ex officio* trustees, shall be elected by a majority vote of the trustees present at a duly called meeting.

Section 12 provides that the Board of Governors of the University shall pay the reasonable expenses of the Foundation.

By section 13 it is provided that no action may be brought against the trustees or any of them without the consent of the Attorney General.

Section 14 exempts the property of the Foundation from taxation.

This Act came into force on March 31, 1947.

**OIL SANDS LIMITED AND BITUMOUNT
HOLDING COMPANY LIMITED, AN ACT TO
CONFIRM ORDER IN COUNCIL No. 1704-46
DATED THE 24th DAY OF SEPTEMBER,
1946, AUTHORIZING THE EXECUTION OF
A CERTAIN AGREEMENT BETWEEN THE
GOVERNMENT OF THE PROVINCE OF
ALBERTA AND**

(Chapter 23)

This Act validates an Order in Council dated the 24th day of September, 1946, together with the agreement attached thereto dated the 16th day of September, 1946. The agreement provides for a further advance of one hundred thousand dollars for the purpose of constructing a pilot plant for extracting oil from oil sands in accordance with an agreement previously made.

This Act came into force on March 31, 1947, and is retroactive to September 24, 1946.

RIGHT OF ENTRY ARBITRATION ACT

(Chapter 24)

This is a new Act. It replaces and enlarges the provisions formerly contained in Section 44 of *The Provincial Lands Act* and the regulations thereunder which were enforced by the Board of Public Utility Commissioners. It sets out the procedure by which the owner of mineral rights may obtain the use of the surface lands required to work his minerals. The Act also provides for the determination of the compensation to be paid to the surface owner.

Sections 4 to 7 of the Act provide for the appointment of a Board of Arbitration consisting of not more than three members and for the powers and duties of the Board.

Section 8 provides that there shall be no right of entry, except by agreement or by an order of the Board.

Sections 9 and 10 provide for applications to the Board for the right of entry and for the procedure in such applications.

Section 11 provides for immediate entry on certain conditions.

Under section 12 the Board determines what land the mineral operator requires, and what compensation he shall pay.

Sections 13 to 16 deal with the form of the order, how it will be implemented and payment of costs.

Section 17 provides for termination of the right of entry on such terms and conditions as to restoration of the property as the Board may direct.

Sections 18 and 19 provide for enforcement of a Board order in the same manner as a judgment of the Supreme Court.

Section 21 provides that anyone who exercises a right of entry in contravention of this Act is guilty of trespass and section 22 provides that in case of conflict with the terms of any grant, lease, etc., the provisions of this Act as to right of entry prevail.

Section 23 transfers all applications for right of entry pending before the Board of Public Utility Commissioners to the Board of Arbitration under this Act.

This Act came into force on March 31, 1947.

TOWN OF LACOMBE, THE MUNICIPAL DISTRICT OF LACOMBE, THE LACOMBE AND DISTRICT COMMUNITY HOSPITAL BOARD AND THE BOARD OF TRUSTEES OF THE LACOMBE MUNICIPAL HOSPITAL DISTRICT, AN ACT TO VALIDATE AND CONFIRM AN AGREEMENT ENTERED INTO THE NINTH DAY OF JANUARY, 1947, BETWEEN THE

(Chapter 25)

This Act validates as from January 1st, 1947, an agreement made between the Town of Lacombe, the Municipal District of Lacombe, the Lacombe and District Community Hospital Board and the Board of Trustees of the Lacombe Municipal Hospital District, a copy of which agreement appears as a schedule. The circumstances leading up to this agreement are set out in the preambles to the Act and to the agreement. In brief, the newly established Lacombe Municipal Hospital District consisting of the Town of Lacombe, the Village of Blackfalds and a portion of the Municipal District of Lacombe acquires the property of the Lacombe and District Community Hospital which was established by an agreement between the Municipal District of Crown and the Town of Lacombe, which agree-

ment was validated by chapter 10 of the Statutes of Alberta for 1937 (Second Session). The Municipal District of Crown became part of the enlarged Municipal District of Lacombe which automatically assumed the liabilities of Crown which, however, are realized by levy directed only against property in a limited portion of the Lacombe municipality. Under the agreement now validated the new Municipal Hospital District assumes the liability of the Municipal District of Lacombe to the Town of Lacombe and the town releases the Municipal District of Lacombe from further liability.

This Act came into force on March 21, 1947, and is retroactive to January 1, 1947.

LEGISLATIVE ASSEMBLY ACT AMENDMENT ACT

(Chapter 26)

The Courts have held that under the then existing legislation no portion of the sessional indemnity of a member of the Legislative Assembly is exempt from income tax though a large portion of it is used in paying expenses. Since these decisions were given *The Dominion Income Tax Act* has been amended to provide for the exemption of that portion of the indemnity described as expenses, subject to certain limitations. The purpose of paragraph (a) of section 1 of this Act is to divide the allowances of members into sessional indemnity and expenses so as to bring the members within the terms of the Dominion Act.

Paragraph (b) repeals the third proviso to section 54 (1) which provided for the payment of sessional indemnity to members who did not attend the first session of the Tenth Legislative Assembly by reason of being absent on active service. The substituted proviso authorizes the payment of the indemnity, etc., to a member who has been unable to attend the present session through illness in the family.

This Act came into force on March 31, 1947.

ALBERTA ELECTION ACT AMENDMENT ACT (Chapter 27)

Section 1 of this Act amends the definition of "corrupt practices" so as to exclude the acts set out in the section; namely, driving voters to the polls for a candidate where no remuneration is paid, etc.

Section 6 of the Act prohibits the appointment as returning officer, poll clerk, etc. of persons who have been convicted of corrupt practices or of dereliction of duty in violation of *The Alberta Election Act*. The amendment made by section 2 of the Act limits these convictions to convictions within the ten years preceding nomination day.

Section 3 of the Act strikes out paragraph (a) of subsection (1) of section 13 which limited the time for nomination of candidates to two hours, from noon to two o'clock. The substituted paragraph allows nominations to be filed at any time up to two o'clock on nomination day and also provides that the returning officer will attend to receive nominations from noon to two o'clock.

Section 4 of the Act enables an invalid to vote at an advance poll, where provision is made for such a poll.

Section 5 of the Act introduces a new section 27a which enables a voter in an electoral division other than a city constituency to vote at a poll other than the poll on the voters' list on which his name appears on obtaining a certificate from the enumerator. The provisions of section 27 except (1) (d) are made to apply as to the procedure for obtaining the certificate.

Section 6 of the Act amends section 33 in two respects: (a) By providing for the nomination of candidates "at any time after the issue of the proclamation" instead of "at any time after the date of the writ of election"; (b) by reducing the number of first preference choices which a candidate in Calgary or Edmonton must receive to save his deposit from one-fourth to one-fifth of the quota.

Section 39 of *The Alberta Election Act* deals with withdrawal of candidates. The new subsection (2) added by section 7 of the Act provides that if a candidate withdraws within forty-eight hours of the

close of nominations his deposit will be returned to him, but if his withdrawal is later, his deposit will be forfeited and paid into revenue.

Section 40 of the Act provides that if a candidate dies after being nominated and before the close of a poll, new nominations shall be called for, etc. The amendment made by section 8 excludes the electoral divisions of Edmonton and Calgary from the application of this section.

The amendment made to section 41 by section 9 of the Act empowers the election clerk, in addition to the returning officer, to appoint deputy returning officers.

Section 10 of the Act provides for the appointment of a poll clerk at each "polling place" in Edmonton and Calgary.

Section 11 of the Act provides that in a city constituency, that is, in Edmonton, Calgary, Lethbridge or Medicine Hat, a poll may for convenience sake, be situate outside the bounds of the polling subdivision but adjacent thereto.

Section 52 of *The Alberta Election Act* limits the number of voters on the list for a polling place at three hundred. The new subsection (2) added by section 12 of this Act authorizes the returning officer for a city constituency to have this number exceeded if he is satisfied that there will be ample opportunity for all voters to cast their ballots.

Section 56 of the Act provides that the rent for polling places shall be fixed by the Lieutenant Governor in Council and shall include heating, lighting, furniture, etc., etc. The proviso added by section 14 of this Act enables the Lieutenant Governor in Council to fix the rent separately from the other charges in Calgary and Edmonton.

Sections 15 and 16 of this Act amend the provisions relating to the printing of the ballots contained in section 58 of the Act

Section 17 of this Act amends section 61 of the Act which deals with voting at advance polls,—

- (a) by including invalids among those entitled to vote at an advance poll;

- (b) by enabling a returning officer to establish advance polls at points in addition to those mentioned in Form 30 in the Act;
- (c) by enabling a voter to apply for an advance poll voting certificate otherwise than "in person".

Section 18 of this Act amends section 63 of the Act. Subsection (3) of that section authorizes each candidate to appoint three agents at each poll. The amendment made by paragraph (a) limits this to constituencies other than city constituencies. The new subsection (3a) provides for the case of city constituencies.

Section 19 of this Act enacts a new section 64 dealing with the persons allowed in a polling place. The change made is to limit each candidate to one agent in a polling place in Calgary and Edmonton. This is because of the large number of candidates in these constituencies.

Section 20 of this Act amends section 65 of the Act in two respects,—

- (a) by striking out the present subsection (2) a provision which prohibited more than one voter being in a compartment of a poll at the same time;
- (b) by giving a deputy returning officer authority to determine the number of voters who shall be allowed in the room at the same time.

By the amendment made by section 21 of this Act the Lieutenant Governor in Council may declare polling day, from four o'clock on, a public holiday.

The purpose of section 22 of this Act is to clarify the language of section 69 (1).

Section 23 of this Act amends section 76 which provides that the poll clerk shall make additions, etc., to the voters' list during the poll. This section is not applicable to city constituencies and the amendment so declares.

Section 24 of this Act strikes out the proviso to section 85 (2) (a) which authorizes the use of either a cross or the figure 1 for first choice in single member constituencies.

Section 25 of this Act amends in three respects section 90 which deals with the duties of the deputy returning officer after the close of a poll,—

- (a) by requiring him to seal up the envelopes;
- (b) by striking out the proviso to subsection (5) which is no longer necessary in view of the striking out of the provisions permitting use of a cross for first choice;
- (c) by amending subsection (12) for the purpose of clarification.

Section 26 of this Act strikes out section 106. This section authorized a returning officer or deputy returning officer on nomination day or polling day to require any person within half a mile of the place of nomination or polling to deliver up fire-arms, swords, etc.

Section 27 of this Act introduces a new subsection (1a) in section 156 which subsection provides that a candidate's deposit shall not be returned until he has complied with subsection (1), by filing a statement of election expenses, etc. The expense of publication of the returning officer's abstract of the statement is deducted from the deposit and the candidate relieved of the payment by paragraph (b) of the amending section. Paragraph (c) strikes out subsection (3) of section 156 which imposed a penalty on an agent or candidate who makes default in delivering the statement of the returning officer. The new subsection (3) makes a candidate responsible for the default of his official agent. The penalties are increased, with a minimum penalty of fifty dollars provided.

Section 28 strikes out portions of Form 29 dealing with directions to voters in constituencies where either a cross or figure 1 could be used for first choice, that is, in constituencies other than Edmonton and Calgary. These are no longer appropriate as the right to use the cross is eliminated.

This Act came into force on March 31, 1947.

**PUBLIC WORKS DEPARTMENT ACT AMEND-
MENT ACT**
(Chapter 28)

Section 25 of the above Act provides that the Provincial Treasurer may upon requisition of the Minister of Public Works advance out of the General Revenue Fund sums required for equipment, stock and material required by the Government, not to exceed at any one time the sum of one million eight hundred thousand dollars. The effect of the amendment is to increase this maximum by one hundred thousand dollars.

This Act came into force on March 21, 1947.

**BUREAU OF PUBLIC WELFARE ACT
AMENDMENT ACT**

(Chapter 29)

This Act adds a Part II to the above Act and the new sections 29 and 30 authorize the Minister of Public Welfare to acquire, maintain and operate homes for persons who are aged or infirm and training schools for children who are wards of the Government.

Section 31 authorizes the Minister to provide hospitalization and treatment services (defined in section 2 (g)) to old age pensioners and blind pensioners and their dependants and similar services to women in receipt of mothers' allowance.

Section 33 authorizes the Minister to make regulations dealing with admission of persons to a home or training school and making arrangements with municipalities as to admission of residents of the municipalities.

This Act comes into force on May 1, 1947.

**GOVERNMENT LIQUOR CONTROL ACT OF
ALBERTA AMENDMENT ACT**

(Chapter 30)

Section 1 of this Act amends section 29 of the Act. Paragraph (b) of subsection (2) requires a club to be in operation for three years before a license may be obtained. The amendment reduces the period of operation to one year in the case of ex-

servicemen's clubs and clubs of the American Legion.

Section 2 of this Act strikes out section 31 dealing with canteens and enacts a new section. The terms of the new section are brought up to date and are extended to the active and reserve units of the Royal Canadian Navy and Royal Canadian Air Force and of the Royal Air Force and to premises occupied by active United States Forces.

This Act came into force on March 31, 1947.

VITAL STATISTICS ACT AMENDMENT ACT (Chapter 31)

This Act amends section 39 of *The Vital Statistics Act*, Chapter 30, R.S.A., 1942.

Paragraph (a) of section 1 of this Act enacts a new subsection (1a). Subsection (1) provides among other things that any person may require extracts or entries of births, marriages and deaths duly certified by the Registrar General, his deputy or acting deputy on payment of a fee of fifty cents. This provision requires the signature of one of these officials on the certificates issued. It has been found impossible to comply strictly with this requirement and the purpose of the proposed subsection (1a) is to provide an alternative method by which certificates with a printed facsimile of the signature of the proper official will be issued with respect to births, and certificates with a stamped facsimile of the signature in the case of marriages and deaths. The authority to issue a certificate signed by the proper authority is not disturbed and such certificate will be issued when required for any particular purpose.

Paragraph (b) of section 1 of this Act strikes out subsection (2) of section 39 and substitutes a new subsection which extends the provision making certified extracts *prima facie* evidence in Court to the new documents authorized by subsection (1a).

This Act came into force on March 21, 1947.

AMUSEMENTS ACT AMENDMENT ACT

(Chapter 32)

The amendments proposed by this Act provide for the licensing of carnivals or carnival shows as they are described in the Act.

Section 1 of this Act defines "carnival show" and strikes the words "carnival show" out of the definition of "place of amusement".

The other amendments do not change the present Act except to introduce the words "carnival show" where necessary.

In section 3 of this Act enacting a new section 4 of the Act there is one change. Subsection (2) of the new section 4 authorizes the Minister to issue a license restricted to a specified period in the year of issue, as carnivals are only operated for limited periods.

Section 5 of this Act changes from "three" to "five" the maximum number of members on the Advisory Board removing picture operators.

This Act came into force on March 31, 1947.

FUEL OIL TAX ACT AMENDMENT ACT

(Chapter 33)

The amendment to section 3 of the above Act made by section 1 of this Act increases the fuel oil tax from seven cents to nine cents.

Section 2 of this Act amends section 36 of the Act. This section imposes penalties for infractions of section 12 of the Act which deals with the restricted use of coloured fuel oil. The section formerly in the Act provided a penalty of not more than twenty-five dollars for a first offence and not more than fifty dollars for a subsequent offence, and also authorized the impounding of the motor vehicle in which the coloured fuel oil is used. The amendment provides that the fine shall be not less than ten dollars and not more than twenty-five dollars for a first offence and not less than twenty-five dollars and not more than fifty dollars for a subsequent offence.

This Act came into force on April 1, 1947.

SOCIAL SERVICES TAX ACT REPEAL ACT

(Chapter 34)

This Act repeals as from the first day of January, 1947, the above Act. It is provided that the repeal shall not interfere with rights and remedies already accruing or accrued under the repealed Act.

This Act came into force on March 31, 1947.

PROVINCIAL LANDS ACT AMENDMENT ACT

(Chapter 35)

The amendment to section 15 of the above Act made by section 1 of this Act provides that the percentage of the Department's share of the crop from agricultural leases which was formerly payable to school divisions shall now be payable directly to the municipal district or improvement district in which the land is situate. It also provides that in the case of an agricultural lease of cultivated lands where there is an increased rental on account of improvements the municipality receives a percentage of the one-eighth share of the crop which is the basic land rental.

The amendments to section 16 made by section 2 of this Act provide that the lessee does not have to commence residence during the winter months. In the case of an alien it also provides that he must become naturalized before finally acquiring the land.

There are several amendments to section 17 made by section 3 of this Act. Subsection (1) is amended to provide that the rent under an agricultural lease shall be one-eighth crop share rather than an amount to be fixed by the Minister. Provision is made for a greater rental during the first seven years where the land is in cultivation at the time of the lease. Subsections (3) to (8) provide that every agricultural lease shall contain an agreement for purchase upon compliance with certain stated requirements as to residence and cultivation. For every year after the fifth that the requirements are complied with the purchase price is reduced so that title may be obtained free at the end of ten years. This provision applies to everyone while previously

only veterans could obtain the lands free at the end of ten years.

Section 4 of the Act amends section 21 by exempting veterans from payment of the five dollar fee payable with applications for a lease.

Section 5 of the Act amends section 29 relating to forfeiture of leases and enables the Minister to extend the time for performance.

Section 6 of the Act amends section 44 by striking out provisions relating to right of entry which are now included in *The Right of Entry Arbitration Act*.

Section 7 of the Act amends section 52 which restricts advertisement of timber berth sales to newspaper advertisements. The amendment removes the restriction. It also enables the Minister to sell a timber berth at any time within six months of the advertisement on the terms and for the dues as advertised.

Section 8 of the Act amends section 54. This amendment sets out that dues are payable by the licensee on the product on which he bid in accordance with his contract, and on other forest products in accordance with the regulations.

Section 10 of the Act simplifies section 58 by removing the bonus requirements of timber berth tenders.

Section 11 of the Act amends section 78 by giving the Lieutenant Governor in Council power to authorize the Minister to grant leases of the lands cleared and broken by the Province, and to pay a portion of the crop share from such leases to the municipalities in lieu of taxes. It further gives the Lieutenant Governor in Council power to authorize the Minister to enter into agreements transferring lands to Canada for National Park purposes. This will facilitate alteration of park boundaries and exchanges of park lands.

Section 12 of the Act amends section 86a by adding a reference to reservations of petroleum and natural gas rights, and other agreements for the development of a natural resource. This makes the increase in value of a reservation taxable when it is assigned in the same way as timber permits, etc.

Sections 13 and 14 of the Act amend sections 100 and 101 to simplify the legal procedure for obtaining possession and to bring the same more in line with the Rules of Court.

Section 16 of this Act adds a new section 111 to the Act. It is a general penalty provision which provides for cases where an offence was created but no penalty provided.

This Act came into force on March 31, 1947.

WATER RESOURCES ACT AMENDMENT ACT (Chapter 36)

In the above Act "water" over the diversion, etc., of which the Minister has control is defined in section 2 (*u*) as follows:

" 'Water' when used in relation to any property therein or to any right in respect thereof or to the diversion thereof, or to the usage thereof, means any water in any river, stream, water-course, lake, spring, ravine, canyon, lagoon, swamp, marsh or other body of water in the Province."

While this definition is quite wide, cases arise where doubt exists whether certain water, sometimes only seasonal, comes within a strict construction of that definition. The purpose of the amendment made by section 1 of this Act is to give the Minister power to deal with such border line cases by declaring certain water in a specified area to be "water" for the purposes of the Act.

Section 2 of this Act introduces a new section 48*a* dealing with cases where the holder of a water right from an irrigation district or other licensee divides his land into two or more portions by sale, etc., and wishes to divide his right and the charge for same between those portions. The purpose of the new section is to secure that the water will be properly distributed to the advantage of all.

This Act came into force on March 31, 1947.

NATURAL GAS UTILITIES ACT AMENDMENT ACT

(Chapter 37)

Section 1 of this Act proposes to enact six new subsections to section 14 of the Act. These subsections authorize the Board to raise annually a sum sufficient to defray the annual estimated expenditures to be incurred under the Act. The levy is to be made upon proprietors in any natural gas producing field who are engaged in the business of delivering natural gas to customers except proprietors of wells. The amount to be levied will be divided among the proprietors proportionately to their deliveries in the preceding year. The sum raised in any producing field shall only be expended by the Board in defraying expenses in that field. Subsection (7) extends the power of the Board in obtaining the services of engineers, etc., without regard to *The Public Service Act*. It also authorizes the Board to employ the services of the Petroleum and Natural Gas Conservation Board and to reimburse that Board for any outlay made by it.

Section 2 of this Act introduces a new section 80*b* which validates an order recently made by the Natural Gas Utilities Board, a copy of which order is a schedule to this Act. The order deals with the return of residue gas, as defined in the order, to the formation and its subsequent sale and the division of the proceeds among the owners of wells.

This Act came into force on March 31, 1947, and section 2 and the order therein referred to are retroactive to December 29, 1944.

STALLION ENROLMENT ACT AMENDMENT ACT

(Chapter 38)

This Act adds a subsection to section 18 which limits the time within which a prosecution for an offence under the Act must be commenced. Under the general limitation in force as to summary convictions the time limit is six months and it is found in many cases that this period is too short as often the facts do not come to light until after the expiration of six

months. The amendment places the limitation at eighteen months.

This Act came into force on March 31, 1947.

LIVE STOCK DISEASES ACT AMENDMENT ACT

(Chapter 39)

Section 1 of this Act adds a subsection to section 3 of the Act which provides for limiting the application of regulations to a specified area in the Province.

Section 2 of this Act adds two new sections 7*a* and 7*b* which deal with the sale of cows which are found by the purchaser to be infected with Bang's disease. The new section 7*a* provides that where this discovery is made within ten days after delivery to the purchaser, he may within fourteen days thereafter rescind the sale or contract and recover back the money paid. The section does not apply to heifers under eighteen months of age which have been vaccinated against the disease by a veterinary surgeon.

The new section 7*b* makes it an offence for any person to knowingly sell or offer for sale an animal infected with the disease without first giving notice of that fact.

This Act came into force on March 31, 1947.

IRRIGATION DISTRICT ACT AMENDMENT ACT

(Chapter 40)

This Act introduces a new section 57*a* in the above Act the purpose of which is to authorize the Board of an irrigation district to assess the value of the benefit of water supplied by a district or used for domestic purposes on land either within or without the district. This value may be assessed against the parcel or parcels of land supplied with water for that purpose. "Parcel" is defined in subsection (1). Subsection (3) provides that the Board shall establish a tariff as a basis for estimating the benefit received and may differentiate between persons receiving water for domestic purposes and persons receiving water for both irrigation and domestic purposes. Subsection (4) provides that the charge for domestic pur-

poses shall be a first charge on the parcel assessed with respect to water for domestic purposes, also upon crops.

This Act came into force on March 31, 1947.

**CROP PAYMENTS (IRRIGATED LAND SALES)
ACT AMENDMENT ACT**
(Chapter 41)

This Act strikes out section 8 of the above Act and enacts a new section. The section formerly in the Act read as follows:

“8. Nothing in *The Debt Adjustment Act*, or *The Debt Proceedings Suspension Act*, or *The Crop Payments Act*, and amendments thereto, shall apply to any agreement for sale or lease heretofore or hereafter made by a vendor; or to the enforcement of any right thereunder; or to any claim or seizure or sale made under or pursuant to any such agreement or lease or pursuant to this Act.”

The Act was passed in 1938 and by the above section irrigation districts and the Canada Land and Irrigation Company were exempted from the application of the Acts named. The provision of *The Judicature Act* which prevents a vendor from enforcing an agreement of sale except against the land was not passed until 1939 and it is considered that it should now be included in the Acts made non-applicable to irrigation districts and the said company. As *The Debt Adjustment Act* and *The Debt Proceedings Suspension Act* are no longer in force, reference to them has been omitted from the proposed amendment. The above Act restricts the crop share of an irrigation district and the said company to one-eighth share of root crops and one-quarter share of all other crops and gives a right of distress to recover the same which may be interfered with by the present provision of *The Judicature Act*, namely section 36 (o) which the amendment made no longer applicable.

This Act came into force on March 31, 1947.

ALBERTA EVIDENCE ACT AMENDMENT ACT
(Chapter 42)

The amendments proposed by this Act have been adopted by the Conference of

Commissioners on Uniformity of Legislation.

Section 1 of the Act introduces a new section 6a authorizing a husband or wife to give evidence in legal proceedings, particularly in divorce actions that he or she did or did not have sexual intercourse with the other at any specified period. Such evidence has long been held by the courts to be incompetent, resulting often in injustices.

Section 2 of the Act strikes out section 8 and enacts a new section 8. The immunity given by the section now in force was limited to the parties to an action instituted in consequence of adultery and their husbands and wives. The new section extends the immunity to all witnesses in any action whether parties or not.

Section 3 of this Act strikes out section 37 of the Act and enacts a new section 37. This section deals with the admissibility in evidence of photostatic copies of records. The section formerly in force was enacted in 1943 and was in the form at that time adopted by the Uniformity Commission. It was limited in its application to banks, railways, express, telegraph and telephone companies, insurance companies, trust companies and loan companies. The new section since adopted by the Uniformity Commission applies to all corporations (as well as government departments) where documents, etc., are photographed in the course of an established practice in order to make a permanent record thereof, and the original is subsequently destroyed. In such cases a print from the photographic film is admissible in evidence. The new section has an additional safeguard by providing that where the document is destroyed within six years after the date when it, or the matter to which it related, in the ordinary course of business ceased to be treated as current, or within six years after the person having custody of the document receives notice in writing of a claim with respect to it, the Court may refuse to admit in evidence a print from the film. This last provision, however, does not apply to the Government of Canada or any Province, or to boards, etc., of any such Government or to the Bank of Canada.

This Act came into force on March 31, 1947.

CORONERS ACT AMENDMENT ACT

(Chapter 43)

This Act strikes out subsection (3) of section 16 of the above Act and substitutes a new subsection (3). The subsection formerly in force provided that a post-mortem examination shall not be made without the consent in writing of the Attorney General or of the Chief Coroner of the Province unless an inquest is ordered by the coroner. The purpose of the amendment is to make it clear that this provision only applies to post-mortems held in cases under the control of the coroner and a further change is made in that a written consent of the Attorney General or Chief Coroner is not required, an oral consent being sufficient.

This Act came into force on March 21, 1947.

DISTRICT COURTS ACT AMENDMENT ACT

(Chapter 44)

Section 1 of this Act enacts a new section 12*a*. Its purpose is to give a District Court Judge who is appointed to another court or resigns, a period of six weeks in which to give judgment in cases which he has already tried so that he will not lose jurisdiction by being sworn in as a judge of the other court, or by resigning.

Section 51 of *The District Courts Act* limited the application of the Small Debt Rules to claims not exceeding One Hundred Dollars, but provided that the Lieutenant Governor in Council might repeal or amend the Rules. New Rules were made by the Lieutenant Governor in Council effective on July 1st, 1944, increasing this limit to an amount not exceeding Two Hundred Dollars. Some doubt has been raised as to whether this increase should not have been effected also by legislation, and the object of section 2 of this Act is to remove this doubt by making the provisions of section 51 agree with the Rules. The section is made retroactive to the date when the Rules came into force.

This Act came into force on March 21, 1947.

GUARANTEES ACKNOWLEDGMENT ACT AMENDMENT ACT

(Chapter 45)

This Act amends the above Act by striking out section 3 and substituting a new section 3. The effect of the above Act is to render invalid any guarantee unless the guarantor appears before a notary public and acknowledges his execution thereof and unless the notary public is satisfied that the guarantor is aware of the contents of the guarantee and understands it and gives a certificate to that effect. As section 3 now stands banks are exempt from the operation of the Act where the obligation guaranteed does not exceed the sum of five hundred dollars. The purpose of the amendment is to extend this exemption also to approved hospitals.

This Act came into force on March 21, 1947.

JURY ACT AMENDMENT ACT

(Chapter 46)

The purpose of this Act is to make persons over twenty-one years of age eligible and liable to serve on a jury subject, of course, to the exemptions and disqualifications in the Act. Persons of over sixty years of age are declared to be qualified, but by the new section 3a may claim exemption from service. Under the section formerly in force only persons over twenty-five years and under sixty years of age were qualified and liable to serve as jurors.

This Act came into force on March 21, 1947.

SOLDIERS' RELIEF ACT AMENDMENT ACT

(Chapter 47)

Section 1 of this Act amends section 2, subsection (2) of the above Act by adding a new paragraph (*dd*) immediately after paragraph (*d*). Paragraph (*d*) provides that for the purposes of the Act which relates principally to tax exemption, a soldier shall cease to be a soldier at the expiration of the calendar year in which he is discharged in the ordinary course other than for the causes set out in clause (i) of paragraph (*d*). It has been considered desirable to fix a limit of tax exemption at the end of the year

1947 for soldiers who have not been discharged. It is understood that a considerable number of soldiers have transferred into the permanent forces without taking their discharge. It has been found necessary to fix a cut-off date for the tax exemption. This has been fixed at the end of the year 1947.

Section 2 of this Act adds a new subsection to section 4 of the Act which enables a dependant of a serviceman exempted from taxation by a judge's order to recover taxes paid after April 8th, 1941, and before the making of the order.

Section 3 of this Act adds a subsection (2) to section 6 of the Act which enables a serviceman to recover taxes paid while his home property was entitled to exemption though not listed by the municipality as a home property.

This Act came into force on March 31, 1947.

TOWN AND VILLAGE ACT AMENDMENT ACT (Chapter 48)

Section 1 of this Act amends the interpretation section of the above Act. Paragraph (a) amends the definition of "general election" by changing the date for nomination of candidates from the first Monday in February to the third Monday in February. Paragraph (b) changes the definition of "land" to exclude minerals, while paragraph (c) strikes out the definition of "minerals" and paragraph (d) strikes out that part of the definition of "parcel" relating to minerals.

There are a considerable number of amendments through the Act changing dates, etc., which are necessary by the change in the dates for nomination, polling, etc.

Section 2 of this Act amends section 14 of the Act by changing the number of separate buildings in an area which are required to authorize that area to be constituted a village from thirty-five to fifty.

Section 10 of the Act introduces a new section 67a. This section provides for a right of a representative of a school division in which a town or village is included to attend meetings of the council and take part in discussions relating to

school matters without having voting privileges. Subsections (2), (3) and (4) provide for a councillor attending meetings of the divisional board and define the duties of the secretary-treasurer in this connection. Reciprocal provisions have already been enacted in *The School Act*.

Section 11 of this Act amends section 69 of the Act. Paragraph (a) corrects an error. Paragraph (b) cures an omission in the Act by declaring who are entitled to vote at a special election to fill a vacancy on the council.

The amendment made by section 12 to section 95 does away with the necessity of a quarterly audit of the accounts of a town. Towns and villages will be on the same basis with an annual audit provided for.

Subsection (1) of section 105 which is amended by section 14 of this Act requires enumerators to be appointed by by-law. The amendment does away with the necessity of a by-law.

Section 15 of the Act adds a new subsection (3b) to section 106. This requires the secretary-treasurer to retain the voters' list until a new voters' list is prepared so that it will be available for a special election.

Paragraph (b) of section 16 of this Act does away with the necessity of a by-law in appointing a returning officer.

Sections 19 and 20 of this Act cure omissions in sections 128 and 130 of the words "or village" after the word "town".

Section 202 of the Act which is amended by section 21 of this Act deals with the purposes for which lands may be acquired by a council. Paragraph (a) adds "other buildings essential to municipal administration", while paragraph (b) adds "parking space or recreation ground" to the purposes already in paragraph (c).

Section 205 of the Act which is amended by Section 22 of this Act requires a vote of the proprietary electors when an expenditure in excess of five hundred dollars is to be made with respect to a number of items. These items include expenditure on streets, sidewalks, ditches, etc. The amendment removes expenditure on these latter items from the requirements of submission to the proprietary electors.

Section 226 of the Act which is amended by section 23 of this Act enumerates various subjects on which the council may legislate by by-law. Paragraph (a) provides that the fee imposed for a building permit shall not be imposed for revenue purposes, while paragraph (b) adds a new subject on which the council may legislate, namely the discharge of fire arms, etc.

The new section 251 enacted by section 25 of this Act extends the organization to which grants may be made by the council to charitable institutions and the Boy Scouts and Girl Guides.

Section 26 of the Act adds a new subsection (2) to section 273 which enables a council to pass a general penalty by-law.

Sections 27 and 28 of this Act strike out sections 298 and 299 and enact new sections in substitution. Section 298 deals with the minimum tax sometimes called the poll tax. The changes made are as follows: The residence required by a non-ratepayer who is gainfully employed will in future be sixty days instead of one month, and the payment by a ratepayer of the minimum tax in one municipality will not exempt him from paying the minimum tax again if he moves to another municipality and resides there sixty days and is gainfully employed. Similar changes are made in section 299 with reference to the minimum taxes for school purposes.

Section 29 of this Act strikes out subsection (1) of section 315 and substitutes a new subsection. The effect of the amendment is to change the date on which the first penalty on taxes accrues from April 1st of the year following the default to January 1st.

Section 30 of this Act adds a new subsection to section 343 of the Act. The new subsection authorizes a town or village, with the approval of the Board of Public Utility Commissioners, to borrow money for the purpose of purchasing or redeeming, in advance of maturity, outstanding debentures, and provides that such a by-law need not be submitted to the proprietary electors.

Section 31 of this Act adds two new subsections to section 344 of the Act. The new subsections provide that a borrowing by-law may provide, with the approval of the Board of Public Utility Commis-

sioners, that all or part of the debentures authorized by the by-law may be redeemable at specified times before maturity and sets out details that must be specified in the by-law in such a case and the procedure to be followed by a town or village desiring to redeem. Subsection (6) makes these provisions as to redemption, etc., applicable to by-laws already passed which have provisions substantially the same as those provided for in the new provisions and also applicable to debentures issued under the by-laws if they have an endorsement similar to that required by paragraph (d) of subsection (5) to the effect that the debentures are issued subject to redemption, with the particulars as to time, place, price, etc.

Section 32 of this Act adds a proviso to section 351. That section requires a debenture by-law to be passed within a period of four weeks of the voting thereon. The proviso authorizes the Board of Public Utility Commissioners to extend this period.

Section 34 of this Act strikes out section 396 of the Act and enacts a new section in substitution therefor. The section formerly in force authorized a town or village, where debentures have been issued but not sold, mortgaged, etc., to cancel such debentures and issue new ones which may have a different mode of payment, so long as neither the period over which the debentures run nor the rate of interest is increased nor the principal increased beyond the amount due on the original debentures. Subsection (1) of the new section 396 is substantially the same as the section formerly in force except that the interest on the new debentures may be greater or less than on cancelled debentures. Subsections (2), (3) and (4) are new and provide for the approval of the Board of Public Utility Commissioners, and that an hypothecation under section 348 shall not constitute a sale, etc. This refers to an hypothecation of the debentures before sale as security for a loan.

Section 35 amends Form F in the manner made necessary by the change in the date of the annual meeting.

This Act came into force on March 21, 1947, except section 29 which comes into force on May 1, 1947.

MUNICIPAL DISTRICT ACT AMENDMENT ACT (Chapter 49)

Section 1 of this Act amends the interpretation section of the Act. Paragraph (a) introduces a new definition of "land." The only change made is in the exclusion of minerals from the definition of "land." They were formerly included in land but under the new definition are not as municipalities no longer assess minerals. Paragraph (b) of section 1 strikes out section 2 (o) which is the definition of "minerals" and is no longer necessary. Paragraph (c) strikes out section 2 (s) (v) which is part of that definition of "parcel" referring to minerals.

Section 30b of the Act amended by section 2 of this Act deals with the duty of the secretary-treasurer as to posting up the voters' list and enables him to have the posting done by some other person.

Section 3 of this Act strikes out subsection (4) of section 43 and substitutes a new subsection. The earlier provisions of the section provide that nomination day shall be on the third Saturday of February, but subsection (3) provides for the council upon petition changing it to a day other than Saturday. Subsection (4) provides for the changes consequent upon the change in nomination day.

Section 4 of this Act similarly provides for special elections by adding subsection (4) to section 160.

Section 5 of this Act amends section 164 of the Act by striking out subsection (5) and substituting a new one. The change made is in the number of days for which a councillor may be paid for inspecting work, etc. As the Act stood this was limited to fifteen days. The proposed amendment authorizes payment for thirty days in a district whose area is greater than fifteen full townships. In smaller districts the limit of fifteen days remains.

Section 6 of this Act introduces a new section 179a. Subsection (1) authorizes the council to provide for a plan of superannuation or annuity payment to employees upon retirement which plan may include contributions by the employees. Subsection (2) provides that the council may grant a lump sum by way of gratuity

to employees who have been in the service of the district for fifteen years and have been compelled to retire through illness, etc., or have reached a certain age. It is provided that this gratuity may be in lieu of or in addition to any annuity payable under subsection (1).

Section 7 corrects an error in a reference to a section in *The School Act*.

Section 8 of the Act strikes out section 249 and enacts a new section. The section formerly in force authorized the council to pass a by-law to make provision for a supply of water for the district or any part thereof. The proposed new section authorizes the council to drill a well in any hamlet in the district and recover the cost of same by a special levy on all property in the hamlet on the assessment roll. It is provided that the recovery of the cost by levy may be spread over three years.

The change in section 254 as proposed in section 9 of this Act is the addition of "farmers organizations approved by the Minister" and "Boy Scout and Girl Guide organizations."

Section 10 cures an error.

Section 11 of this Act amends section 288 of the Act which defines the property upon which municipal taxes are to be levied. Minerals are no longer included in this category and growing timber is included in the definition of "land."

Section 12 of this Act amends section 289 which deals with the levy of sums requisitioned by school divisions, etc. The amendment made by paragraph (a) is for the same reason as the above amendment to section 288. The amendment made by paragraph (b) enacts a new subsection the effect of which is to limit the allowance which may be made for possible uncollected taxes to ten per cent of the amount of the requisition.

Section 14 of this Act strikes out section 320 and enacts a new section. This section deals with the minimum tax for rate-payers and the tax payable by non-rate-payers commonly called the poll tax. The principal change is in subsection (3) which provides that where a person who is not on the assessment roll pays the so called poll tax in one municipality, he

cannot be required to pay it in another municipality, but this privilege does not extend to a ratepayer who has paid the minimum tax under subsection (1) of section 320.

The same change is made in the new section 321 with regard to minimum tax for school purposes

Section 16 of this Act is intended to clarify section 348 dealing with the persons entitled to vote on debenture by-laws.

This Act came into force on March 21, 1947.

ASSESSMENT ACT AMENDMENT ACT (Chapter 50)

Section 1 of this Act amends section 4 of the Act by striking out the words "*The Beet Sugar Factory Act.*" This section declares that all property in the Province with certain exceptions is liable to assessment and taxation, subject to the provisions of certain Acts including *The Beet Sugar Factory Act*. The name of this Act is struck out of the section because the partial exemption from taxation for a period of ten years given to the Canadian Sugar Factories Limited at Picture Butte has now expired.

The amendment made by section 2 of this Act to section 35 of the Act changes the time before which a person assessed in a municipal district must complain against an assessment from the 30th day of April to the 31st day of January, but this amendment only applies in cases where the assessment of the previous year is adopted for the current year as provided in section 17 of the Act.

Section 3 of this Act strikes out section 37 of the Act and substitutes a new section. The section deals with the constitution of the court of revision for hearing assessment appeals. The section formerly in force provided that the council shall be the court of revision. This has been found to be impracticable in the enlarged municipal districts and the amendment limits the court of revision to five members in cases where the council consists of more than five. Where the council consists of five members or less, the council

will still be the court of revision. Subsection (7) is new and provides for remuneration of members of the court of revision when authorized by by-law.

The purpose of the amendment to section 43 proposed by section 4 of this Act is to make that section agree with the changes made by section 37 in the constitution of the Court of Revision.

This Act came into force on March 31, 1947.

INDUSTRIES ASSESSMENT ACT AMENDMENT ACT

(Chapter 51)

This Act adds a new section 7 to the above Act. Section 3 of the Act provides that every municipality may pass a by-law for fixing the assessment of the property of any person carrying on or proposing to carry on in the municipality any industrial establishment or manufactory on such terms and conditions as the council may deem proper. The fixed assessment may continue for a period up to twenty years. It is considered desirable that these agreements and the by-laws authorizing them should be submitted to the Minister of Municipal Affairs for approval before taking effect. The purpose of the amendment is to require this in the case of agreements made since January 1st, 1946.

This Act came into force on March 21, 1947.

TAX RECOVERY ACT AMENDMENT ACT

(Chapter 52)

The amendment made to section 3 of the Act by section 1 of this Act is a correction of an error.

Section 2 of this Act strikes out section 9 of the Act and substitutes a new section 9. This section deals with the public sale of land by a municipality for arrears of taxes. The former subsection (1) did not place any limitation on the time of the public sale, while the new subsection (1) says that the sale shall be within three years from the first day of April of the year in which the tax notification is registered, on a date to be fixed by the municipality or the Minister, in improvement districts, while subsection (2) pro-

vides that no sale shall take place until after the expiry of one year from the same date. Subject to the foregoing limitations, the Minister may fix a date before which a parcel may not be sold. (Subsection (3).) Subsections (4) and (5) in this Act are the same as those subsections formerly in the Act. Subsection (6) is new and provides for cases where the three-year period mentioned in subsection (1) has already expired.

This Act came into force on March 21, 1947.

SCHOOL ACT AMENDMENT ACT (Chapter 53)

Section 1 of this Act amends section 64 of the Act. The words struck out of subsection (1) by paragraph (a) enabled a rural or village district having not less than eight class rooms to decide at the annual meeting of the district to have five trustees instead of three. The amendment gives this authority to increase the number of trustees to the Minister, irrespective of the number of class rooms. The amendment of subsection (2) made by paragraph (b) is made necessary by the amendment to subsection (1).

Section 2 of this Act adds a new subsection (3) to section 65. This deals with a town district which has been included in a division and provides that the Minister may, on the request of the Board of the district, reduce the number of trustees from five to three.

Section 3 of this Act amends section 73 of the Act which deals with the remuneration a trustee may receive from the Board without vacating his seat. The change made in the new paragraph (e) of subsection (5) is to permit a trustee who drives a van to receive remuneration up to the amount of taxes owing, both current and arrears. This was not clear before.

Section 4 of this Act corrects the language of section 103. The amendment to section 124 made by section 5 of this Act sets out the recognized procedure in passing by-laws not previously contained in the Act.

Section 127 of the Act which is amended by section 6 of this Act deals with the

discretionary powers of the Board, and paragraph (g) of subsection (1) authorizes the Board to exclude from attendance at a school mentally deficient children, etc., upon the recommendation of an inspector. The amendment extends this power of recommendation to the Superintendent of Schools. Paragraph (l) of subsection (1) which is rewritten omits words formerly in the paragraph exempting from school taxes indigent persons, and which were inappropriate as for the most part school taxes are collected by municipalities and not by school districts.

Section 7 amends section 134 of the Act which sets out the duties of the secretary-treasurer of the Board. The only changes are to mention specifically treasury branches as places of deposit and to change the words "all such school moneys received by him" to "all moneys received by him".

Section 8 of the Act amends section 136 in two respects:

(a) It changes the period for audit for school divisions from the year ending October 31st to a year ending on December 31st.

(b) It changes the maximum amount payable to an auditor of accounts of a school division from forty to seventy-five dollars.

Section 9 of this Act amends section 137a which deals with the conveyance of pupils in divisions in three respects:

(a) It removes the necessity of approval by the Minister to agreements made by divisional boards with parents for the conveyance of their own children;

(b) It authorizes boards to adopt a schedule of payments for such services which, when approved by the Minister, does away with the necessity of individual agreements;

(c) It extends the authority of a Board to transport pupils of grades above the ninth and charge fees for the service. It limits the liability of the Board to that provided for in the other parts of the section.

Section 10 of this Act extends to divisions the power which districts now have of making agreements with other districts for education of the children. Under the

amendment divisions may make agreements with other divisions or with districts while districts may do the same with divisions or other districts.

Section 11 of this Act amends section 138*a*. Paragraph (a) is merely a change of language. Paragraph (b) adds a new subsection which enables the Board of a division to contribute to the support of high school pupils who have to go to another district for the courses.

Section 12 of this Act amends section 141 to make it clear that a town district may acquire additions to existing sites.

Section 13 of this Act extends the power of compulsory acquisition of sites given by section 143 to additions to sites provided for in the previous amendment.

The new section 149 enacted by section 14 of this Act makes a change in the school year. The section formerly in force provided that the school year is from January first to December thirty-first; the amendment changes this to the period from the first of July to the thirtieth of June.

The proviso to section 151 struck out by section 15 dealt with the summer vacation for the year 1945 and has no further application.

Section 16 of this Act amends section 152 dealing with special holidays in three respects:

(a) It gives the council of a city or town authority to declare a school holiday instead of the mayor;

(b) The words struck out of subsection (2) might be in conflict with the new subsection (4) if one of the days mentioned were proclaimed a school holiday by the Lieutenant Governor in Council;

(c) It adds a new subsection to section 152 which enables the Lieutenant Governor in Council to proclaim any day to be a school holiday, not necessarily a general holiday.

The proviso added to section 157 by section 17 of this Act allows the period of religious instruction to be changed in certain schools from the half-hour before closing to another time if approved by the Board and inspector.

Section 18 of this Act adds a new subsection (3) to section 167, which deals with the termination of the contract or engagement of teachers. The purpose of the new subsection is to prevent teachers who have entered into a new engagement to teach, say, beginning in September, terminating their engagement before commencing teaching, without the consent of the Minister.

The purpose of the proviso added to section 172 (3) by section 19 of this Act is to secure that the teacher will file reports with the secretary before leaving at the end of a term.

Section 20 of this Act amends section 173 which provides the method of estimating the teacher's salary. Subsections (1), (2) and (3) are changed in view of the new "school year" as set out in section 14 of this Act.

The amendment made by paragraphs (b) and (c) of section 20 of this Act make the provisions as to holidays for which a teacher is entitled to be paid agree with the amendments made by section 16 of this Act.

Section 174 of the Act which is amended by section 21 of this Act deals with the payment of a teacher's salary for time lost owing to sickness, etc. The amendment authorizes the payment of a teacher under continuous agreement at the termination of his agreement although that may be during a school year and not at the end of it.

Section 22 adds a new subsection to section 176 of the Act which deals with the duties of teachers. The amendment makes it clear that when a teacher is employed by a division it is the Board of the division that is referred to in subsection (1). The proviso to the new subsection, however, enables the Board of the division to direct that the teacher shall take the direction of the Board of the school district in certain matters.

Section 23 of this Act makes a change in the language of section 178.

Section 24 of this Act strikes out section 191 and enacts a new section. The change made is to require the voting on a debenture by-law to be by secret ballot.

Subsection 5*a* of section 251 is also amended to provide that, where a district is included in a division by agreement and is afterwards transferred to another division, the agreement shall be binding on the district and the new division if the order so provides.

Section 25 of the Act amends section 251 which deals generally with the formation of school divisions. The amendment to subsection (5) (e) authorizes the Minister to resubdivide a division into not more than five subdivisions exclusive of subdivisions established pursuant to section 285*b*, that is, where a town or village district is included in a division and given the status of a subdivision.

Section 26 of this Act amends section 253 of the Act dealing with the annual meeting of ratepayers of school districts included in each subdivision. The first proviso to subsection (1) enables the Minister, if the Board requests it, to change the hour of the meeting so that in certain cases evening meetings may be held. The second proviso to the same subsection enables the Minister to fix a new date for the meeting if it has not been held before December fifteenth. The new subsection (5) sets out in more detail the procedure at the meeting. This amendment makes necessary the amendment of section 257 made by section 28 of this Act.

Section 27 of this Act enacts a new section 256*a* providing that when a candidate at a divisional election dies after nomination and before election, the nominations shall be void and a new election held.

Section 29 inserts a new subsection (5*a*) in section 269 of the Act setting out the standard practice as to passing by-laws.

Section 30 of this Act introduces a new section 273*a* dealing with the rights of electors where a school is closed in a district in a division. It is provided that where the pupils are taught in another district the Minister may order that the electors of the district of which the school is closed shall have the rights of electors in the district where the children are attending school.

Section 32 of this Act amends section 275 by striking out paragraph (p) and substituting a new paragraph (p) which authorizes a divisional Board to provide scholarships for pupils and also to make loans to students undergoing teacher-training courses.

Section 287 of the Act amended by section 33 of this Act deals with the alteration of an agreement made between a division and the Board of a town, village, consolidated or separate school district for the inclusion of such a district in the division. The amendment makes such alteration subject to the approval of the Minister.

Section 289a which is struck out by section 34 of this Act dealt with a special situation which arose in 1946 with respect to Picture Butte school district in the Lethbridge school division and is no longer necessary.

Section 35 of this Act makes a change in the language of section 290 (1) to make it apply to the actual facts.

Section 36 of the Act strikes out subsection (1) of section 301 dealing with borrowing powers of divisional boards. These powers are dealt with in other sections and the subsection (1) is unnecessary and inappropriate.

Section 37 of the Act amends section 302 by providing that the proceedings on a money by-law vote "at" the taking of the poll as well as "from and after the close of the poll" in such cases shall be the same as in an election for a board member.

This Act came into force on March 21, 1947.

SCHOOL TAXATION ACT AMENDMENT ACT

(Chapter 54)

The amendments proposed by this Act are both to subsection (3) of section 28 dealing with the requisitions to be made by town, village and consolidated districts where the district is within two or more municipalities. The only real change made by paragraph (a) is the addition of the words "as of the thirty-first day of December of the preceding year" to make it clear that the requisitions must be

based on the assessment of the preceding year. Paragraph (b) of section 1 of the Act adds an additional proviso to subsection (3); the present proviso to subsection (3) provides that the total assessed value of farm lands situate within a district containing a city, town or village may for the purpose of apportioning requisitions be reduced or increased by such fraction as the Minister orders except in certain cases as specified. The additional proviso enacted by this Act provides that any order made by the Minister under the foregoing power shall continue in force until a new order is made by the Minister.

This Act came into force on March 21, 1947.

UNIVERSITY ACT AMENDMENT ACT

(Chapter 55)

This Act amends section 17 of the above Act by adding a new subsection (4). Subsection (2) of section 17 provides that a member of the Board is eligible for re-appointment after serving one three-year term but shall not be eligible after serving two such terms until after the expiration of three years after his second term has ended. The purpose of the amendment is to exempt the chairman of the Board from this restriction and also to authorize the appointment of a new chairman even though he has served two three-year terms upon the Board.

This Act came into force on March 31, 1947.

PUBLIC HEALTH ACT AMENDMENT ACT

(Chapter 56)

The above Act in sections 25 and 26 provides for the setting up of "full-time health districts" which have become generally known as "full-time health units" or "health units". It is considered advisable to change the language of the Act to comply with usage.

Section 1 of this Act inserts a definition of "full-time health units" to take the place of the present definition of "full-time health district".

The changes made in section 23*a* by section 2 of this Act are all attributable to the change of name above referred to.

The change made in section 24 by section 4 of the Act is to eliminate reference to school divisions and school districts from the definitions of "municipality" and "council".

Section 5 of this Act enacts a new section to take the place of the present section 25. Only the changes made in the section are referred to here. Subsection (2) limits the number of members of the Board to five and provides for the division of the unit into wards, each to be represented by a member on the Board appointed by the council of the municipality, or by the Minister, in the event of the council not acting promptly. The scheme to be prepared by the Minister shall give an estimate of the expense involved and state the portion to be borne by the municipalities and the Government respectively and shall be submitted to the councils of the municipalities concerned for their approval or disapproval which is to be given within three months. If the scheme is approved by councils representing sixty per cent of the residents of the proposed unit, it shall be referred to the Board of Public Utility Commissioners for apportionment of their share of the expenses among the municipalities. Under the section formerly in force only those municipalities which approve were included in the unit and others might be selected in their stead.

Subsection (9) is new and provides for the disestablishment of the unit under certain circumstances.

Subsection (10) is also new, and subsection (11) provides for a readjustment of municipal contributions by the Board of Public Utility Commissioners after a change of boundaries of the unit under subsection (10) which empowers the Minister to make such changes.

Subsection (13) is new and sets out in detail how the municipalities are to raise the amount of their contributions which are to be forwarded quarterly, while subsection (14) authorizes a municipality entirely within the unit to pay its contribution out of general revenue.

The amendments made to section 26 by section 6 of this Act are occasioned solely by the change of description from "full-time health district" to "full-time health unit."

This Act came into force on March 31, 1947.

MUNICIPAL HOSPITALS ACT AMENDMENT ACT

(Chapter 57)

Section 1 of this Act adds a new subsection (4) to section 5. That section deals with the establishment of hospital districts and subsection (2) gives the Minister a discretion to establish a district whether he has received a petition or not. The new subsection (4) provides that where the Minister establishes a district under this authority the provisions of sections 7 to 11 shall not apply to the district until the Minister so directs. These sections provide for fixing the number of board members, etc., the appointment of a Provisional Board, and for meetings of such Board, the appointment of officers, etc., the payment of mileage, and the preparation of a scheme by the Provisional Board.

Subsection (3) of section 10 of the above Act provides for a payment to board members for attending meetings of a sum not exceeding four dollars per day. The amendment made by section 2 of this Act authorizes a payment not exceeding six dollars.

Section 3 of this Act amends section 11 of the Act. That section deals for the most part with the preparation of the scheme for a hospital district which is to be submitted to the ratepayers. Paragraph (a) of section 3 of this Act strikes out a provision requiring a statement of the proposed site of the hospital to be inserted in the scheme. The question of the site is now dealt with in another section. (See section 5 of this Act.) Paragraph (b) of section 3 of this Act amends the provision as to the minimum tax to be provided in the scheme to entitle ratepayers to hospital supporters benefits. The amendment places a minimum of six dollars on this tax. Paragraph (c) of section 3 strikes out subsection (10) of section 11 and substitutes a new subsection. The subsection formerly in force made it permissive for the scheme to contain a provision giving a renter the privileges of a ratepayer on such terms as may be deemed expedient. The new sub-

section enables any owner of real property in a hospital district who resides outside the district to assign to a renter his privileges as a ratepayer. This authority is limited to one renter irrespective of the number of parcels owned by the ratepayer.

Section 4 of this Act strikes out subsections (3) and (4) of section 16 dealing with the site, which are considered inapplicable in view of the proposed new subsection (1) of section 17 contained in section 5 of this Act. This requires the Minister to approve of the site of the hospital or he may require a vote as to the site to be taken along with the vote on the scheme.

Section 18 of the Act which is struck out by section 6 of this Act is no longer necessary as it also deals with the selection of a site for the hospital.

Section 7 of the Act strikes out subsections (1) to (6) of section 31 and substitutes five new subsections dealing with the addition to and subtraction from the area of an established district. Under the provisions formerly in force, the Minister of his own motion or on petition, may direct that a vote be taken with regard to addition to or detachment from a district of a specified area. The new subsections extend the provisions also to the transfer of an area from one district to another after a petition has been received from sixty-five per cent of the resident ratepayers of the area in question. The Minister is required to refer the petition to the Board of Public Utility Commissioners for consideration and recommendation. That Board may recommend that the petition be granted or refused or may direct a vote to be taken on the question. The new subsection (2) deals with the case where the council of a municipal district or the authority administering an improvement district asks that a specified area, not in a hospital district, be added to an established district, and authorizes the Minister to add it or to direct a vote on the question. The new subsections (3), (4) and (5) enacted by section 7 of this Act are substantially the same as subsections (2), (3) and (4) of section 31 formerly in force.

Section 32 of the Act struck out by section 8 of this Act is no longer appropriate in view of the new provisions enacted by section 7 of this Act.

Section 9 of this Act changes the allowance payable to members of boards after ratification of a scheme from "not exceeding four dollars" to "not exceeding six dollars" per day.

Section 10 of this Act validates a ministerial order whereby certain parcels of land were detached from the Elnora Municipal Hospital District.

Section 11 of this Act amends Form C in the Schedule to agree with the changes made by section 7 of this Act, particularly as to transfer of an area from one district to another.

This Act came into force on March 21, 1947.

PRIVATE HOSPITALS ACT AMENDMENT ACT

(Chapter 58)

This Act amends the definition of "private hospital" contained in paragraph (g) of section 2 of the above Act.

The change made in the definition is the elimination of reference to nursing homes and baby shelters. The former is unnecessary and the administration of what were known as baby shelters is provided for in an amendment to *The Child Welfare Act*.

This Act came into force on March 21, 1947.

ALBERTA INSURANCE ACT AMENDMENT ACT

(Chapter 59)

The amendment to section 82 introduced by section 1 of this Act adds treasury branches to the institutions where uninvested funds of an insurance company are required to be deposited.

The amendments made by sections 2, 3 and 5 of the Act were enacted by the Legislature at the 1946 session by chapter 51 which was enacted subject to proclamation and has not been proclaimed. That Act is not to be proclaimed as it contains a section which is to be reconsidered by the Superintendents of Insurance. Accordingly, the above mentioned sections 2, 3

and 5 are being included in this Act and chapter 51 of 1946 is repealed by section 6.

Section 4 of this Act adds a new subsection (3a) to section 278 of the Act. That section which is in the Part of the Act dealing with automobile insurance deals with the rights which a person who has recovered judgment against an insured person has against the money payable under the insurance policy. In a recent case in the Appeal Division of the Supreme Court of New Brunswick it was held that where a policy was void as between the immediate parties by reason of misrepresentation, etc., the person who had recovered a judgment against the insured lost his rights against the money otherwise payable under the policy. The purpose of this amendment, which has been approved by the Superintendents of Insurance of the Provinces, is to override the above judgment and enable the person recovering the judgment to have recourse to the insurance money even if the policy is not a valid motor vehicle liability policy as between the immediate parties.

This Act came into force on March 31, 1947.

GOVERNMENT OF ALBERTA INSURANCE ACT AMENDMENT ACT

(Chapter 60)

Section 1 of this Act transfers the administration of this Act from the Department of the Provincial Secretary to the Department of Economic Affairs.

Paragraph (a) of section 2 amends section 3 (1) of the Act and removes the limitation on the Government Insurance Office which, as the section now stands, may only insure property in the Province. Paragraph (b) enacts two new subsections to section 3 of the Act and authorizes the Government Insurance Office to carry on the business of sickness and accident insurance and automobile insurance.

The purpose of section 3 of this Act is to enable the Insurance Office to make appointments not regulated by *The Public Service Act*.

The new section 14 enacted by section 4 of this Act applies generally the pro-

visions of *The Alberta Insurance Act* to the business of the Insurance Office with the exception of certain specified sections which are considered inappropriate. Part III which will not apply deals with the "internal management of provincial companies", while sections 25 to 81 deal with the licensing, etc., of provincial companies.

This Act came into force on March 31, 1947.

ALBERTA HAIL INSURANCE ACT AMENDMENT ACT

(Chapter 61)

Section 5 of the above Act which is amended by section 1 of this Act sets out the powers and duties of the Board. Paragraph (a) authorizes the Board to acquire, hold and dispose of personal property in addition to real property. Paragraph (b) provides in terms for the appointment of a Manager. Up to the present time the Manager has been appointed under the general power to appoint officers, etc. The change made by paragraph (c) is made necessary by the amendment made to paragraph (b).

The changes made by section 2 of the Act are not substantial.

Section 3 of this Act amends section 11 of the Act in two respects:

(a) The authority of the Board as to the policies issued is made more specific by the addition of the words "and the terms and conditions thereof" to subsection (1) of section 11;

(b) It substitutes a new paragraph (d) of subsection (2) of the same section dealing with the partial payment of loss clause. The change is made for the purpose of clarification. The words in lines three to six "or the percentage of the loss after deduction of a percentage specified in the policy in either case to be calculated as a percentage of the insurance" are substituted for the words "or the amount of the loss after deduction of a sum specified in the policy".

Section 4 of this Act amends section 12 of the Act in four respects:

(a) It does away with the necessity of an agent of an applicant for insurance who signs an application being authorized in writing;

(b) It amends subsection (6) which declares that the rights and liabilities of the applicant and the Board shall be those set out in the Act. The amendment extends these to those set out in the application;

(c) The change made by the new subsection (8) is to make it unnecessary for the applicant to make a cash payment with any application after the first in each year;

(d) It adds a new subsection (9) which enables the Board to accept an application so as to make a valid contract in cases where the applicant has made a mistake in the legal description of his land.

Section 5 of this Act amends section 15 of the Act in two respects:

(a) The only material change by the new subsection (1) of section 15 is the insertion of the words "to the extent of ten per cent or more" in line two. As under the Act no insurance is payable where a crop is not damaged to the extent of at least ten per cent there should be no obligation on the insured to make the claim provided for in the subsection;

(b) Paragraph (b) introduces a new subsection (3a). Subsection (3) of section 15 provides that where a claimant does not reside within two miles of the damaged crop he shall furnish the name of an agent who does reside within two miles. The purpose of the new subsection (3a) is to make it unnecessary for the Board or the adjuster, where the name of an agent is not furnished, to endeavour to secure concurrence in the adjuster's report.

Section 6 of this Act amends section 16 of the Act in four respects:

(a) The only material change made in subsection (1) of section 16 is as to the last five lines which are substituted for the last five lines of the former subsection: "thereafter shall report to the Board in writing the percentage of the damage and shall recommend to the Board the percentage of the insurance which, in his opinion, should be paid in respect of the

damage, or in the alternative that the determination of the percentage of the damage and the amount payable in respect thereof be deferred to a later date”;

(b) and (c) The amendments made by these paragraphs are made necessary by the above amendment to subsection (1);

(d) introduces a new subsection (7) authorizing the Board to defer the determination of the percentage of damage, etc., to a later date in the then current year.

Section 7 of this Act amends section 17 of the Act in two respects. The amendment made by paragraph (a) makes the changes rendered necessary by the earlier amendments clarifying the provisions as to the partial payment of loss clause (Section 3 (b) of this Act). Paragraph (c) of section 17 of the Act provides that no insurance shall be payable where the crop is damaged by hail after it has been cut. This provision is struck out by the amendment made by paragraph (b) of section 7 of this Act.

Section 19 of the Act amended by section 8 of this Act deals with accounts to be kept by the Board and requires all sums received by the Board to be placed in a special trust account in a bank or a treasury branch and provides that the cost of operations for each year shall be apportioned to the several hail insurance areas and be a first charge on the special trust account. Further provision is made for transferring a portion of a balance in the Trust Account before the twenty-eighth day of February in any year to the credit of any area, to the credit of a General Reserve Account, while subsection (3) provides that a further portion of such a balance may be transferred to the credit of an area whose credits are insufficient to pay expenses and claims. The amendment provides that section 19 shall no longer be operative when the Board's reserves have reached the sum of five hundred thousand dollars, it being considered that the provisions contained in it would no longer be necessary.

The new section 20a of the Act enacted by section 9 of this Act gives the Board authority in its discretion to distribute annual surpluses to persons insured in any year.

Section 21 of the Act provides that collections made after the twenty-eighth day of February in any year on old premiums shall be placed in a General Reserve Account. Section 10 of this Act enacts subsection (2) providing that this section shall be inoperative when reserves amount to five hundred thousand dollars for the same reason as for the amendment to section 19 above.

The new section 21*a* is inserted by section 11 of this Act to make it clear that if and when sections 19 and 21 become inoperative, the provision requiring funds to be deposited in a bank or treasury branch will still be in force.

Section 12 of the Act enacts a new section 24 and one change is to enable the Board to employ a firm of chartered accountants instead of individuals, if it desires, to make the annual audit. It also provides for "an audit" of the books, etc., instead of a "full and complete audit."

The Act came into force on March 31, 1947.

LAND TITLES ACT AMENDMENT ACT

(Chapter 62)

This Act enacts a new section 148*a*. At present, when a mechanic's lien is registered there is no provision requiring the owner of the land concerned or the person with respect to whom the lien is filed to be notified of the registration of the lien. The purpose of this amendment is to require the Registrar in such cases to forward a notice of the lien to the registered owner of the land, to the person alleged to be the owner of the land and to the person shown on the lien as the person for whom the work was done or proposed to be done, or the materials furnished or to be furnished.

This Act came into force on March 21, 1947.

TRUSTEE ACT AMENDMENT ACT

(Chapter 63)

The purpose of this amendment is to include debentures of school divisions in the list of authorized investments for trustees.

This Act came into force on March 21, 1947.

MECHANICS' LIEN ACT AMENDMENT ACT

(Chapter 64)

This Act amends section 24 of the Act and provides for the expiry of a lien unless a renewal statement is filed within six years after the date of filing of the lien, showing the amount still owing on the lien. This is in line with *The Bills of Sale Act* which requires a renewal of a chattel mortgage to be filed, but within three years of registration. The records of the two Land Titles Offices are encumbered with mechanics' liens which were registered many years ago, many of which have been paid and many others where no proceedings have been taken with respect to them for many years. Where the six years has already elapsed the lienholder is given a further year after the coming into force of this amendment.

This Act came into force on March 31, 1947.

COMPANIES ACT AMENDMENT ACT

(Chapter 65)

Section 1 of this Act repeals sections 32, 33 and 34 of the Act. These sections deal with "the statutory meeting" of the company and prohibit the doing of various things before the statutory meeting. This meeting, a general meeting of the company, must be held within six months from the time when the company is entitled to commence business but may be held immediately after that date. It is considered that this meeting serves no useful purpose and it is therefore proposed to repeal the said sections.

The amendments made by sections 2 and 3 of the Act merely transfer paragraph (a) from subsection (1) of section 40 to subsection (1) of section 41. Paragraph (a) deals with the authority of a company to increase its share capital. The amendment requires the increase to be authorized by special resolution whereas as the Act formerly stood it could be done by extraordinary resolution. A special resolution requires twenty-one days' notice

of the meeting while an extraordinary resolution requires only the ordinary notice of the meeting.

Section 4 of this Act consolidates sections 42 and 43 of the Act. The only material changes are,—

(a) that the power given by subsection (1) of the new section 42 is enlarged by the incorporation of the words “in any way, etc.”, in paragraph (a) as there may be reorganizations required not covered by the cases specified in paragraph (a); and

(b) subsection (2) as the Act formerly stood appeared only in section 42 while it applies now also to what was formerly section 43.

Section 5 of this Act adds a new subsection (5) to section 44. That section deals with the rights of creditors where there is a proposed reduction of capital which involves diminution of liability in respect of unpaid share capital or the payment to a shareholder of any paid-up share capital. Creditors may object and a list of them is settled by the Court and provision is made for the Court hearing the matter and directing what payment is to be made or security given to creditors. The new subsection (5) authorizes the Court, in special circumstances, to direct that the section shall not apply as regards any class or classes of creditors. This provision is taken from the Dominion Companies Act.

Section 6 of this Act strikes out subsections (2) and (3) of section 52 and enacts a new subsection (2) in their place which does away with the necessity of a private company carrying on business for two years before being converted into a public company, and further provides that when the conversion takes place the company must comply with all the provisions of the Act relating to public companies.

Section 84 (1) of the Act now provides that the prospectus of a company shall contain either such information as is required by the Board of Public Utility Commissioners or shall state the matters set out in great detail in the section. The effect of the amendment made by section 8 of this Act is to require the prospectus to contain everything set out in the section.

Section 9 of this Act enacts a new subsection (3), replacing the present subsection of section 119 dealing with defaults of companies in filing a return of allotment of shares within one month of allotment. Specific penalties are provided and the Registrar is authorized to file the document if the default does not exceed thirty days in the case of shares allotted for cash. The extra time allowed for filing the return remains at seven days in the case of shares allotted in whole or in part for other than cash.

Section 10 of this Act amends the Schedule to the Act dealing with fees and it is intended to clarify the provisions fixing fees payable by companies on incorporation.

This Act came into force on March 31, 1947.

CHILD WELFARE ACT AMENDMENT ACT (Chapter 66)

This Act amends *The Child Welfare Act*, Chapter 8 of the Statutes of 1944.

Section 1 of this Act amends paragraph (d) of section 8 which provides that the Home Investigating Committee shall "perform such other duties in relation to foster homes as may be assigned to it by the Commission", that is, by the Child Welfare Commission. The words now proposed to be struck out, namely, "in relation to foster homes", are considered too restrictive as to the duties to be assigned to the Committee.

Section 2 of this Act changes the definition of "institution" contained in section 10 of the Act. The former definition excluded from the definition the private dwelling of a family, while the new definition is general and includes any house or building where four or more children are maintained. A definition of "nursery" is introduced as meaning a house or other building or part of a building where four or more children of six years or age or under are kept for compensation by public funds.

Section 3 of this Act amends section 25 of the Act dealing with immigrant children. The present section provides that an organization or agent desiring to carry on the work of placing immigrant children in

the Province must before placing any child in the Province deposit with the Minister the sum of five hundred dollars or security in that amount. The purpose of the amendment is to make it clear that this deposit must be made with respect to each child placed in the Province.

Section 4 of this Act amends section 38 of the Act. This section provides that if an immigrant child, within one year after being placed in the Province, becomes a charge on a municipality or the Province, the organization or agent shall be liable for the cost of maintenance of the child. The purpose of the amendment is to strike out the limitation of one year and make the organization liable if the child becomes a charge at any time.

Section 5 of this Act amends section 51 of the Act by inserting three new subsections at the beginning of the section. These new subsections provide for the licensing of institutions or nurseries as defined in the amendment to section 10. Baby shelters are at present governed by *The Private Hospitals Act* and subject to license thereunder, but that Act is also being amended so that baby shelters will no longer be under it.

Section 7 of this Act amends section 87 by enacting a new subsection (1). This section is in the portion of the Act dealing with the adoption of children. The former subsection (1) provides that any adult person may apply to a judge for an order of adoption of an unmarried minor. The purpose of the new subsection is to require a person wishing to adopt a child to apply in the first instance to the Child Welfare Commission which shall submit the petition to a judge within sixty days. No order shall be made unless the petition is presented to the Judge by the Commission but the applicant for adoption may be heard on the application either personally or by counsel.

This Act came into force on March 21, 1947.

VEHICLES AND HIGHWAY TRAFFIC ACT AMENDMENT ACT

(Chapter 67)

Section 1 of this Act repeals section 52 and substitutes a new section. This

section deals with right-of-way at intersections. Subsection (2) of the section formerly in force provided that the driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection, while subsection (3) provided for the case where two vehicles enter upon an intersection at the same time and gives the right-of-way to the vehicle which entered the intersection from the right of the driver of the other vehicle. It is often difficult for drivers to know which vehicle enters first, so the new subsection (1) provides instead for the case of two vehicles approaching or entering an intersection at approximately the same time and provides that the vehicle on the left shall yield the right-of-way to the vehicle on the right. The proposed new subsection (2) deals with the case of the driver of a vehicle approaching an intersection and provides that he shall yield the right-of-way to a vehicle in the intersection and turning to the left across the line of travel of such driver, if the driver of the vehicle turning left has given a plainly visible signal of his intention. The provisions of the proposed new section have been in force for some time in Saskatchewan, Manitoba and Prince Edward Island.

Section 2 of this Act introduces a new subsection (3a) in section 58 dealing with the statement required to be given to police after a motor accident. Subsections (2) and (3) of section 58 provide that a person in charge of a motor vehicle or, if he is incapacitated, another occupant of the car, shall in the case of an accident resulting in personal injuries or property damage apparently exceeding twenty-five dollars, furnish to the nearest constable a written statement concerning the accident on forms provided by the Minister. These statements have been sometimes used in evidence against the person making them, and it is considered undesirable that this should continue to be the case as they are sometimes made when the person making them may not be in a fit state to realize the actual facts. The purpose of the new subsection (3a) is to make these statements privileged in the sense that they cannot be used against the persons making them in subsequent legal proceedings.

Section 3 of this Act amends section 129 of the Act by striking out subsection (4)

and substituting two new subsections. Section 129 deals with the proof of financial responsibility and subsection (4) deals with the case of non-residents of the Province who may be required to give or may wish to give proof of financial responsibility. The subsection now in force authorizes the Minister to accept a certificate of "an authorized insurer" which under the definition in the Act limits that to an insurer authorized to carry on the business of automobile insurance in the Province. Under the proposed amendment the Minister is given a discretion to accept a certificate of insurance issued by an insurer authorized to transact insurance in the state or Province in which the car owner resides. This discretion is dependent on the insurance company filing with the Superintendent of Insurance certain documents set out in the section. This amendment brings our Act practically in line with the legislation in the other provinces, with some omissions from such legislation which are considered unworkable. The purpose of the proposed new subsection (5) of section 129 is to make the undertaking when filed pursuant to subsection (4) effective against the company in subsequent legal proceedings.

This Act came into force on March 21, 1947.

PUBLIC SERVICE VEHICLES ACT AMENDMENT ACT

(Chapter 68)

The amendments made by sections 1, 2 and 3 of this Act to the above Act deal with the jurisdiction of the Board and the procedure on applications for certificates for public service vehicles.

Section 19 of the Act formerly in force required the Highway Traffic Board to conduct public hearings of all applications for public service vehicle certificates. It has been found impracticable if not impossible to comply with this provision. The change made by the new section 19 is to give the Board a discretion as to when it shall hold a public hearing.

The change made in section 20 is to make it clear that the Board may, in its discretion, grant or refuse an application for a certificate.

The change in section 22 is along the same lines and strikes out the last four lines of the present section 22 which restricted the Board in such cases to issuing a certificate where it appears to the Board necessary to grant a further certificate "to enable passengers or property to be carried to any terminus from areas or termini other than those named in the first mentioned certificate."

Section 4 of the Act enacts section 23 which is substantially the same as the former section 23. The words "whether the decision is made after or without a public hearing" are new.

Section 5 of the Act introduces a new section 24a. The purpose of this section is to give judges and magistrates who convict a chauffeur or certificate holder of an offence against the Act or regulations authority to cancel or suspend the chauffeur's license or the certificate issued with respect to the public service vehicle. Formerly only the Board had such authority.

Section 6 of this Act strikes out section 26 and enacts a new section 26. This section deals with the expiry of a certificate and the principal change made is that the provisions for renewals of certificates are struck out and an application for a certificate for another year by the holder of a certificate is treated as an application for a certificate instead of for a renewal.

Section 31 of the Act which is struck out and substituted by section 7 of this Act deals with the carrying of passengers on trucks which are public service or commercial vehicles. The section formerly in force limited passengers on such trucks to members of the family of the owner, employees of the owner whose services are required for loading and unloading, and owners and employees of the owner of live stock being transported on the truck. The amendment provides that, except with the permission of the board, only one passenger can be carried in the body of the truck when a cargo is being carried but the restrictions are removed when no cargo is being carried in the truck.

Section 8 of the Act enacts a new subsection (1a) to section 65. This amendment provides a minimum penalty of

twenty-five dollars for a first offence and fifty dollars for a second offence for exceeding the speed limit on a portion of a highway where such a limit has been placed by the Board under the power given by section 52 which authorizes the Board, on the request of the Minister, to "limit or restrict the speed of any class or classes of motor vehicles on any part of any highway." Under the Act as it formerly stood the general penalty clause applied to these offences with a fine of not more than ten dollars for a first offence and not less than twenty dollars for a second offence, and the fines imposed are so small as not to be a satisfactory deterrent to many drivers.

This Act came into force on March 31, 1947.

WORKMEN'S COMPENSATION ACT AMENDMENT ACT

(Chapter 69)

The amendment set out in this Act is to relieve a situation created by the present provisions of paragraphs (k) and (l) of subsection (1) of section 33 of the Act, and of subsection (5) of section 19. These provisions prevented the payment of a pension to a person, who is not an enemy alien, residing in enemy occupied countries, such as Belgium, Holland, etc., and the effect of the amendment is to enable the pension to be restored to a person, who is not an enemy alien, residing in countries previously occupied by the enemy.

This Act came into force on March 31, 1947.

LEGAL PROFESSION ACT AMENDMENT ACT

(Chapter 70)

Section 1 of this Act introduces a new section 62a which provides that a graduate in law of a university other than the University of Alberta may be admitted to the Alberta Bar after serving the required period under articles if he satisfies the Faculty Council of the Faculty of Law of the University of Alberta that the courses he has taken, pre-law and law courses, are at least equivalent to the courses required by the University of Alberta leading to a degree in law.

Section 2 of the Act adds a subsection to section 69 authorizing the Benchers of the Law Society to make certain expenditures from their funds not now, in terms, provided for, namely for memorial, educational, benevolent or charitable purposes.

This Act came into force on March 21, 1947.

REGISTERED NURSES ACT AMENDMENT ACT (Chapter 71)

This Act amends section 4 of the Act by striking out paragraph (a) and substituting a new paragraph. This section provides that every person shall be eligible for membership in the Association who has the educational qualifications set out in paragraph (a). The paragraph heretofore in force required an applicant for membership to hold a high school graduation diploma disclosing successful completion of courses in Chemistry II and either Physics II or Biology or to have an equivalent educational standing. The amendment reduces the necessary educational requirements.

This Act came into force on March 21, 1947.

DOMESTIC RELATIONS ACT AMENDMENT ACT (Chapter 72)

The subsection amended is in the part dealing with guardianship of children. The provisions relating to adoption of children were formerly in the above Act but are now contained in *The Child Welfare Act* passed in 1944. This amendment is made necessary by that change as the section now in force does not, of course, refer to adoptions made under *The Child Welfare Act*. The amendment is made retroactive to the date of the passing of *The Child Welfare Act* and provides that where a child is adopted under the above Act or under *The Child Welfare Act*, his adoptive parents shall be deemed to be his parents under the part of the above Act dealing with guardianship.

This Act came into force on March 21, 1947, and is retroactive to March 24, 1944.

WELDING ACT AMENDMENT ACT

(Chapter 73)

Section 1 of this Act strikes out subsection (1) of section 11 of the above Act and enacts a new subsection. The subsection amended deals with penalties for infractions of the Act, and the subsection now in force imposes a penalty of not more than ten dollars for each day during which the offence continues. In enforcing the Act it has been found that as a rule the nominal penalties of one dollar or two dollars are imposed and these do not appear to have any effect in preventing infractions of the Act. It is considered desirable, therefore, that a minimum penalty of ten dollars should be provided for a first offence and a minimum penalty of twenty-five dollars for subsequent offences. These penalties are for a single offence and a provision imposing a penalty for each day during which the offence continues has been omitted.

This Act came into force on March 21, 1947.

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